



City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, SEPTEMBER 19, 2019, 7:00 PM
PHILLIP L. PITTORE JUSTICE CENTER
AGENDA

STATEMENT OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

The meeting was called to order at 7:00 p.m. by Mayor Fahl who 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:

This meeting is being held in compliance with the Open Public Meetings Act with the annual notice provided to the Trenton Times and the Hunterdon County Democrat, to the list serve, department heads, City Attorney and City Engineer and by posting of the meeting agenda on the bulletin board at City Hall and on the City's website.

ROLL CALL

Present: Councilman Sanders, Councilwoman Taylor, Councilwoman Warner, Council President Asaro, Mayor Fahl.

Absent: None.

PLEDGE OF ALLEGIANCE

Mayor Fahl led the public in the Pledge of Allegiance.

MOMENT OF SILENCE

The City Clerk led the public in a moment of silence in honor of those serving in the United States Armed Forces in Country and abroad.

APPROVAL OF MINUTES

Council President Asaro asked for a motion to approve the 08/20/19 Special Work Session Minutes. Mayor Fahl made a motion to approve the August 20th session minutes. Councilwoman Warner seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Council President Asaro asked for a motion to approve the 09/03/19 Work Session Minutes and the 09/11/19 Special Session Minutes. Councilwoman Warner made the motion and Mayor Fahl seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

APPROVAL OF THE BILLS LIST

Mayor Fahl asked for a motion to approve the Bills List and the amended Bills List. Councilwoman Warner made the motion and Councilwoman Taylor seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

PROCLAMATIONS

Delaware Valley Food Pantry

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Mayor Fahl informed the members of the Governing Body and the members of the public present that the grant opening of the Delaware Valley Food Pantry is scheduled for September 21st. Council President Asaro read the proclamation into the record.

Proclamation

WHEREAS, hunger and poverty are issues of grave concern in the United States, the State of New Jersey, the County of Hunterdon, and in the City of Lambertville; *and*

WHEREAS, the City of Lambertville is committed to taking steps to raise awareness about the need to combat hunger and to provide additional resources to benefit the residents of our City; *and*

WHEREAS, for over sixty years the Delaware Valley Interfaith Council, now operating at the Delaware Valley Food Bank, provided food and clothing to our community out of a need originating from the flood of 1955, *and*

WHEREAS, the Food Panty serves approximately 1,000 people each week, including 350 children in the Lambertville and New Hope area, *and*

WHEREAS, the Food Pantry is staffed entirely by volunteers, is funded through donations, pays for seventy-five percent of the food that is distributed and operates two days a week on Wednesdays and Saturdays.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the Delaware Valley Food Pantry and their volunteers are hereby congratulated on a job well done.

BE IT FURTHER RESOLVED that the month of September is hereby declared as Hunger Action Month in the City of Lambertville.

ADOPTED: September 19, 2019

Mayor Fahl asked for a motion to adopt the proclamation honoring the Delaware Valley Food Pantry. Councilwoman Warner made the motion and Councilwoman Taylor seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Fahl informed the members of the public that the grand opening is scheduled for September 21st at 4:30 pm.

RESOLUTIONS

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

Resolution Number 129-2019 authorizing the Corrective Action Plan was pulled from the consent agenda and will be acted upon on October 17, 2019.

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RESOLUTION NUMBER 126-2019: *A Resolution Authorizing the Refund of An Over Payment of Taxes to Wells Fargo for Block 1045, Lot 32, in the Amount of \$1,707.18.*

RESOLUTION NUMBER 126-2019

A Resolution to Authorize the Refund of an Overpayment of Third Quarter Taxes to Wells Fargo Real Estate Tax Service for Block 1045, Lot 32 in the Amount of \$1707.18

WHEREAS, on August 12, 2019, Wells Fargo Real Estate Tax Service paid the third quarter taxes for block 1045, lot 32 in the amount of \$1,707.18; and

WHEREAS, a duplicate payment was also made on August 5, 2019 in the amount of \$1,707.18 for block 1045, lot 32.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Lambertville that the refund to Wells Fargo Real Estate Tax Service, ATTN: Financial Support Unit – Region 1, 1 Home Campus, MAC F2302-035, Des Moines, IA 50328-0001 in the amount of \$1,707.18 is hereby authorized.

ADOPTED: September 19, 2019

RESOLUTION NUMBER 127-2019: *A Resolution to Authorize the City Attorney, the Mayor and City Clerk to Sign the Memorandum of Agreement with the Delaware River Towns Chamber of Commerce for the Annual Turkey Trot.*

RESOLUTION NUMBER 127-2019

A Resolution to Authorize the City Attorney, Mayor and City Clerk to Sign the Memorandum of Agreement with the Delaware River Towns Chamber of Commerce for the Annual Turkey Trot

WHEREAS, The Delaware River Towns Chamber of Commerce would like to hold their annual Turkey Trot on Thanksgiving, November 28, 2019; and

WHEREAS, The City of Lambertville would like to accommodate their request and has formalized the agreement in a Memorandum of Understanding that covers the cost of police and public works services and the parade route.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Lambertville that City Attorney, Mayor and City Clerk are hereby authorized to sign the Memorandum of Agreement with the Delaware River Towns Chamber of Commerce for the annual Turkey Trot scheduled for Thursday, November 28, 2019.

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RESOLUTION NUMBER 128-2019: A Resolution to Authorize the Subordination Agreement for the Small Communities Grant in the Name of Joseph Smith for 25 Cottage Street.

RESOLUTION NUMBER 128-2019

A Resolution to Authorize the City Attorney, Mayor and City Clerk to Sign the Subordination Agreement for Joseph Smith for the Small Communities Grant for 25 Cottage Street

WHEREAS, Joseph Smith of 25 Cottage Street applied for and received a Small Communities Loan for the housing rehabilitation program in the amount of \$15,825.00; and

WHEREAS, on January 19, 2016, the City agreed to the first subordination agreement because it did not change the City's position with the loan.

WHEREAS, the City Attorney has reviewed this request and has determined that it doesn't change the City's position.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Lambertville that City Attorney, Mayor and City Clerk are hereby authorized to sign the subordination agreement with Quicken Loans for the Small Cities Grant in the amount of \$15,825.00 in the name of Joseph and Iwona Smith for 25 Cottage Street.

ADOPTED: September 19, 2019

RESOLUTION NUMBER 129-2019: A Resolution to Approve the Corrective Action Plan for the 2018 Audit.

RESOLUTION NUMBER 129-2019

A Resolution to Approving the Corrective Action Plan for the 2018 Audit Prepared by the Certified Municipal Finance Officer

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 2018 audit prepared by the Certified Municipal Finance Officer is hereby approved.

ADOPTED: September 19, 2019

RESOLUTION 130-2019: A Resolution Authorizing the Redemption of a Tax Lien for Block 1051, Lot 4 In the Amount of \$3280.13 Plus the Premium in the Amount of \$1,600.00

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RESOLUTION 130-2019

A Resolution Authorizing the Redemption of a Tax Lien for Block 1051, Lot 4 In the Amount of \$3280.13 Plus the Premium in the Amount of \$1,600.00

WHEREAS, Tax Lien Certificate 19-00011 issued on Block 1051 Lot 4 was sold to Jing Yang. 628 N Butrick St, Waukega, IL 60085 on 08/15/2019 and

WHEREAS, payment has been received by the Tax Collector for redemption of the tax lien from a property owner.

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 Jing Yang. 628 N Butrick St, Waukega, IL 60085 for the redemption of tax lien certificate #19-00011 in the amount of: \$3280.13

In addition, the City is holding a premium in the amount of \$1600.00

and upon redemption this is due back to the lienholder.

2 checks for the lienholder –

Check 1= \$3280.13

Check 2= for premium= 1600.00

ADOPTED: September 19, 2019

RESOLUTION NUMBER 131-2019: A Resolution to Amend the November Meeting Schedule.

RESOLUTION NUMBER 131-2019

A Resolution to Authorize the Amended Meeting Schedule for November of the Governing Body

NOW THEREFORE BE IT RESOLVED that the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey hereby authorizes the amendment of the 2019 Meeting Schedule to read as follows:

WORK SESSIONS:

Tuesday, November 12, 2019 (Councilwoman Taylor is away)
Thursday, November 14, 2019

VOTING SESSION:

Tuesday, November 26, 2019 (Councilman Sanders may be away)

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ADOPTED: March 21, 2019

RESOLUTION NUMBER 132-2019: *A Resolution to Authorize the Refund of an Overpayment of Third Quarter Taxes for Block 1006, Lot 19 in the Amount of \$1,808.81 to CoreLogic Centralized Refunds.*

RESOLUTION NUMBER 132-2019

A Resolution to Authorize the Refund of an Overpayment of Third Quarter Taxes to CoreLogic for Block 1006, Lot 19 in the Amount of \$1808.81

WHEREAS, a duplicate payment was also made in the amount of \$1,808.81 for block 1006, lot 19 in the amount of \$1,808.81.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Lambertville that the refund to CoreLogic in the amount of \$1,808.81 is hereby authorized.

ADOPTED: September 19, 2019

Council President Asaro asked for a motion to adopt the resolutions listed on the consent agenda. Councilwoman Warner made a motion to adopt the resolutions. Mayor Fahl seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCES – FIRST READING

ORDINANCE NUMBER 24-2019: *An Ordinance of the City of Lambertville Amending Chapter XV, Section 15-1 of the City Code Entitled “Air BNB, Home-to-Go, Priceline, Hotel and Motel Room Occupancy Tax.”*

Council President Asaro read the ordinance into the record by title.

ORDINANCE NUMBER 24-2019

AN ORDINANCE OF THE CITY OF LAMBERTVILLE AMENDING CHAPTER XV, SECTION 15-1 OF THE CITY CODE ENTITLED “AIR BNB, HOME TO GO, PRICELINE, HOTEL AND MOTEL ROOM OCCUPANCY TAX”

WHEREAS, on September 17, 2018, the City Council of the City of Lambertville (the “City Council”) adopted Ordinance No. 15-2018, which regulates the rental and occupancy of rooms through providers such as Air BNB; and

WHEREAS, Governor Murphy signed into law A4814/A4520/S3158 (P.L. 2019 c. 235) on August 9, 2019, which amends the existing transient accommodations law to limit the scope of transient accommodations that are considered taxable under the law under certain circumstances; and

WHEREAS, the City Council has determined that it is necessary to amend Chapter XV, Section 15-1 of the City Code revise certain language to comply with the change in the above-referenced law; and

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

SECTION I: AMENDED SECTIONS. Chapter XV, Section 15-1 of the City Code of the City the City of Lambertville entitled “Air BNB, Home to Go, Priceline, Hotel and Motel Room Occupancy Tax” shall be amended and supplemented as follows:

§15-1.1 remains unchanged.

§15-1.2 “Tax Established” shall be amended as follows:

There is hereby established a Transient Occupancy Tax for the rental of transient accommodations obtained through transient space marketplaces, as defined pursuant to N.J.S.A. 40:48E-2, and which include, but are not limited to Air BNB, Home to Go, Priceline, Hotel and Motel in the City of Lambertville, and three (3%) percent on charges of rent for every occupancy of a hotel or motel room in the City of Lambertville, of a room or rooms, is hereby subject to taxation pursuant to subsection (d) of section 3 of P.L. 1966, c. 40, N.J.S.A. 54:32B-3 (sales tax).

§15-1.3 “Tax in Addition to Any Other Tax or Fee” shall be amended as follows:

The Transient Occupancy Tax for the rental of transient accommodations obtained through a transient space marketplace, as defined pursuant to N.J.S.A. 40:48E-2, shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the occupancy of a hotel room.

§15-1.4 remains unchanged.

§15-1.5 “Collection of Tax” shall be amended as follows:

The tax imposed by Section 15-1 shall be collected on behalf of the City by the person collecting rent from the hotel or motel customer or the person collecting payment for rental of a transient accommodation obtained through a transient space marketplace. Each person required to collect the tax herein imposed shall be personally liable for the tax imposed, collected or required to be collected hereunder. Any such person shall have the same right in respect to collecting the tax from a customer as if the tax were a part of the rent and payable at the same time; provided that the Chief Financial Officer of the City shall be joined as a party in any action or proceeding brought to collect the tax.

SECTION II: SEVERABILITY. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reasons, then the City Council hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the City to meet the goals of the Ordinance.

SECTION III: EFFECTIVE DATE. This Ordinance shall take effect upon final passage and publication in accordance with the law.

Mayor Fahl commented that this was an opportunity for the City to collect taxes on Air BnBs and other short-term rentals in town. This leads to a larger discussion about making sure we are registering all hotels and rental properties and we are inspecting so

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they are safe. This will be a longer conversation about safety that we are upholding our duty to inspect. She asked for Council comments. There being no Council comments, Mayor Fahl asked for Public comments.

Michael Heffler, 504 Titus Road commented that he is the President of the Lamberts Hill Homeowner Association and they have rules that ban Air BnB in their development.

Mayor Fahl asked for a motion to introduce on first reading. Councilman Sanders made a motion to introduce Ordinance Number 24-2019. Councilwoman Warner seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Fahl informed the members of the public present that the public hearing is scheduled for October 17, 2019.

ORDINANCE NUMBER 25-2019: An Ordinance to Amend the Lambertville City Code, 2014, Chapter II, Administrative Code, Article X, Department of Public Safety, to add Police Rules and Regulations.

Council President Asaro read the ordinance into the record by title.

ORDINANCE NUMBER 25-2019

An Ordinance to Amend the Lambertville City Code, Chapter III, Police Rules and Regulations

Article II Definitions

APPROPRIATE AUTHORITY.

Business Administrator of the City of Lambertville.

3-1 POLICE DIRECTOR.

3-1.1 Establishment.

There is hereby established the administrative position of Police Director, which individual shall be charged with the duties of supervising and directing the Police Department and such other duties and responsibilities as established by the Mayor and Council. (1990 Code § 3-5.1)

3-1.2 Appointment: Removal from Office.

- a. The Police Director shall be appointed by the Mayor with the advice and consent of the Council.
- b. The Police Director shall be appointed for a period of one (1) to three (3) years from date of appointment.
- c. The Police Director may be removed from office for cause defined as:

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- 1. Failure or neglect to perform the duties of Police Director as defined in this Article.
 - 2. Mental and/or physical incompetence to perform the duties of the position.
 - 3. Conviction of a felony.
- d. In the event of a vacancy in the position of Police Director, the Officer in Charge (OIC) of the Police Department shall perform the responsibilities of the Police Director until appointment of a successor.

3-1.3 Qualifications.

The person appointed to the position of Police Director shall be qualified by training and experience for the duties of his position, but in no event shall a person be appointed unless such person meets the following minimum qualifications:

- a. Citizen of the United States.
- b. Resident of New Jersey.
- c. A minimum of ten (10) years' experience as a member of a law enforcement agency, five (5) years of which shall have been in a supervisory and administrative capacity.
(1990 Code § 3-5.4)

3-1.4 Duties and Responsibilities.

- a. The Police Director shall be the chief administrative and executive officer in the Police Department. He shall be responsible for the protection of lives and property in the City and for the organization and direction of all Police Department activities. He shall organize and direct the Police Department and issue such orders and give such instructions as he may deem necessary or proper from time to time in the administration and management of the Department. He shall coordinate efforts between the Police Department and the Municipal Court in their administrative and reporting functions. His work shall extend to planning, directing and controlling, through subordinates, the police patrol traffic functions. He shall have direct responsibility for activities in police investigation, vice control and internal security within the Police Department. He shall be responsible for recruiting and disciplining members of the Police Department and for counseling and training Police Department employees.
- b. The Police Director shall further specifically:
 - 1. Plan, organize, direct, supervise and review all activities of the Police Department.
 - 2. Coordinate the efforts of the Police Department with the court system.
 - 3. Prepare annual budget requests and recommendations for the Police Department and review all requests for expenditures.

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4. Plan and implement an ongoing program of training and education, subject to the approval of the Appropriate Authority, and may participate in the training of subordinates in the law and in the technique and procedures of the various functions, with particular attention to personnel at the supervisory level so that they will be fully apprised of current developments in law enforcement.
5. To keep abreast of the public safety requirements of the City and formulate policies, procedures, written manuals and instructions for the Police Department responsive to determined needs.
6. Supervise and direct all of the operations of the Police Department utilizing supervisory personnel in the Police Department.
7. Establish work schedules, determine beats and shifts and make work assignments.
8. Plan, organize, assign and direct all public safety operations with respect to personnel, equipment and buildings.
9. Respond to the scene of major criminal activity and other major conditions that affect public safety, oversee Police Department operations and render technical and other support as appropriate. (Ord. No. 2009-01 § 1)
10. With recommendation of subordinate supervisors or on his own initiative, take or recommend disciplinary action in accordance with statutory provisions.
11. Establish performance criteria for the Police Department as a whole, as well as its individual members, and to conduct periodic evaluations to assure compliance with those criteria.
12. Recruit, examine and recommend candidates for positions in the Police Department in reference to appointments and promotions.
13. Shall prefer charges against and, in his discretion, pending a final hearing on the charges, suspend any officer or member of the Department and otherwise exercise control over all subordinates subject to law.
14. Attend meetings and public gatherings to explain the safety activities and functions and to elicit citizen support of police objectives.
15. Plan and supervise programs of crime and accident prevention for the community.
16. Work with community groups to foster community action related to public safety activities.
17. Establish and maintain relations with school, civic and private organizations to assure a full understanding of the public safety effort.
18. Provide technical public safety information to the Mayor and City Council, the City Clerk, Zoning Officer or other department heads when required.

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19. Supervise effective programs for street lighting, signing and traffic control to ensure vehicle and pedestrian safety.
20. Take an active part in any land use proposals or studies which are or might be conducted for the City, so that adequate consideration is given to the present and future needs of the Police Department as well as to facilities and programs incidental to the function of the Department and the implementation of a program of preventative law.
21. Promote a close liaison with the various agencies of the City and to attend all meetings of the Mayor and Council when necessary to better coordinate the functioning of the Police Department with the work of all municipal agencies.
22. Regularly review the ordinances of the City dealing with public safety to assure their propriety with the prevailing public safety needs of the residents of the City.
23. Assist and cooperate with the Construction Office, Code Enforcement Officer, Board of Health, Public Works Director, City Clerk and Emergency Management Coordinator in the reporting and investigation of any alleged or possible violation of statute, municipal ordinance and/or lawful rule, regulation or order promulgated by those officers and prepare detailed investigation reports and testimony in connection with such alleged violations for use by these bodies and officials in persecutory or enforcement proceedings.
24. Meet, when requested, individually or jointly with the Construction Official, Code Enforcement Officer, Health Officer, Public Works Director, City Clerk or Emergency Management Coordinator for the purpose of discussing existing or anticipated problems and exchanging ideas concerning proposed solutions and keep himself informed about the current activities of these bodies which may involve his office.
25. Submit monthly reports to the Appropriate Authority, summarizing police activity, crime and enforcement statistics and other relevant information impacting public safety. Periodically review existing policies and procedures, revise as necessary and implement new policies, procedures, general orders and other directives as required due to changing conditions and best operational or administrative practices. (Ord. No. 2009-01 § 2)
26. Coordinate, wherever possible, all facets of municipal government concerned with the public safety; strengthen the lines of communication between the local, County and State bodies concerned with law enforcement and public safety.
27. Perform related work as required.
(1990 Code § 3-5.5)

3-6 POLICE DEPARTMENT.

3-6.1 Creation of Department.

There is hereby created in the City a Police Department which shall consist of a Police Director, and such regular full-time or part-time members as will, from time to time, be deemed necessary and which the

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Appropriate Authority may appoint, to properly preserve peace and good order within the City of Lambertville. The City Business Administrator, or in the event of a vacancy, the Mayor, shall be designated as the Appropriate Authority as provided in the N.J.S.A. 40A:14-118. The Appropriate Authority shall be responsible for the overall performance of the Police Department and adoption and promulgation of rules and regulations governing the Police Department and the discipline of its members.

- a. *Acting Appointment.* In the event that the Appropriate Authority determines the need to fill a supervisory position in either the rank of Lieutenant, Sergeant First Class or Sergeant due to either an open vacancy or establishment of a new position by the Mayor and City Council, he or she may appoint an Acting Lieutenant, Acting Sergeant First Class, or Acting Sergeant.
 1. The acting appointee shall assume all of the duties and obligations of the acting supervisory position and shall receive the established compensation for said supervisory position.
 2. The acting appointee may serve in the acting position until a regular competitive appointment can be accomplished through the Police Department's established promotional policy and procedure; but in no event shall an acting appointment exceed one (1) year. In the event, the acting appointee obtains a passing score on the formal promotional examination they may be permanently appointed to the respective supervisory position.
 3. Acting Lieutenants, Sergeants First Class and/or Sergeants are considered probationary appointments and may be rescinded by the Appropriate Authority for any lawful reason. If such acting position is so rescinded the appointee will revert back to his previously held title in the Police Department.

3-6.2 Duties of Members.

Duties of the members of the Police Department shall be those prescribed by the Laws of the State of New Jersey, the ordinances of the City of Lambertville and the Rules and Regulations which may be established by the Appropriate Authority of the of the Department.

3-6.3 Qualification for Members of the Police Department.

No person shall be appointed a member of the Police Department unless he has the following qualifications:

- a. Is a citizen of the United States;
 - b. Is sound in body and in good health sufficient to satisfy the Board of Trustees of the Public Employees Retirement System of New Jersey as to his eligibility for membership in the Retirement System;
 - c. Is able to read, write and speak the English language well and intelligently;
 - d. Is of good moral character, and has not been convicted of any crime involving moral turpitude; and
 - e. Shall meet the age, residence and other requirements as established by law.
- (1990 Code § 3-6.3)

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3-6.4 Rules and Regulations.

- a. A Police Department has been established pursuant to municipal ordinance pursuant to authority vested in the Governing Body as stated in the New Jersey Statutes Annotated, Title 40A.
- b. The Appropriate Authority shall establish and may, from time to time, amend and repeal such rules and regulations as deemed necessary for the governance and efficient working of the Police Department. These rules and regulations shall govern the conduct of police officers and contain policies to be followed by police officers in responding to the general public, criminal activities and related matters.
- c. The rules and regulations, as currently in force, shall be posted permanently on a bulletin board in the Police Headquarters and at least two (2) copies shall be filed with the City Clerk and be available for public inspection. A copy of these rules and regulations shall be issued to all employees of the Police Department.
- d. Any amendment to the rules and regulations shall be filed with the City Clerk. The Appropriate Authority shall also distribute notice of such amendment to the members of City Council, however, any new or amended rules and regulations shall be effective upon their filing with the City Clerk. A copy of any amended rules and regulations shall be posted on the bulletin board in Police Headquarters, available for public inspection in the City Clerk's Office and issued to each member of the department within five (5) days after adopted.
- e. Members of the Police Department shall at all times observe the rules and regulations promulgated pursuant to this subsection. Such rules and regulations shall be dispositive of all matters not set forth in this Code in relationship to incapacity and misconduct of members as well as all other areas of behavior, procedures and organization. Any action taken against any officer pursuant to N.J.S.A. 40A:14-147 et seq. shall be based on the rules and regulations promulgated pursuant to this subsection. No charge shall be brought against any officer for violation of any rule or regulation or amendment thereto which has not been duly promulgated, posted and delivered as herein required.

3-6.5 Reserved.

(Ord. No. 96-02 repealed the position of Chief of Police. All references to the Chief of Police shall mean Police Director.)

3-6.6 Probationary Period; Permanent Appointment; Removal or Suspension.

A police officer shall be deemed to be a probationary employee for the first twelve (12) months of his appointment, during which time he may be terminated without cause or hearing. Upon satisfactory completion of twelve (12) months of employment and successful completion of a police training course at an approved school, the police officer shall be deemed a permanent member of the Lambertville Police Department. Except as otherwise provided by law, all persons appointed to positions in the Police Department shall hold office during good behavior and efficiency and no permanent officer of the Department shall be removed or suspended from office or employment, or fined, or reduced in rank, for any cause other than incapacity, misconduct or disobedience of the Rules and Regulations established for the management of the Police Department, and then only upon a written complaint setting forth the charge or charges against such member or employee and a hearing as prescribed by law. (1990 Code § 3-6.6)

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3-6.7 Vacancies.

Any vacancies existing in the Police Department shall be filled at the discretion of the Appropriate Authority. Procedures for appointment shall be in accordance with appropriate State Statutes and the Rules and Regulations of the Police Department of the City of Lambertville. The appointment or termination of all Police Department employees shall be the prerogative of the Appropriate Authority. The eligibility list resulting from the appointment procedures, in the discretion of the Appropriate Authority, shall be active for a period of two (2) years and subsequent vacancies shall be filled from that list

3-6.8 Special Officers.

The Appropriate Authority may appoint special officers in accordance with the Laws of the State of New Jersey and for term not exceeding one (1) year. They shall have and exercise all powers as provided by the law during the performance of their duties, but shall not be considered as regular/permanent members of the Police Department and shall not be entitled to tenure or other benefits of the Department. They may be suspended or recommended for dismissal from the Department at any time at the discretion of the Police Director and they shall receive such compensation as may be fixed by the Mayor and Council.

3-6.9 Promotional Testing.

Promotional testing shall be administered in accordance with appropriate State statutes and procedures established in the Rules and Regulations of the Lambertville Police Department. (1990 Code § 3-6.9)

3-6.10 Decrease in Personnel for Economy Purposes.

When the Mayor and Council shall, for reasons of economy, find it necessary to decrease the number of members of or employees in the Police Department or of any grade or rank thereof, the Mayor and Council shall proceed in the following manner:

- a. If the Governing Body shall determine to decrease the number in any of the higher ranks or grades of the Police Department it shall provide such instruction by resolution to the Appropriate Authority who shall as necessary demote such member or employee or members or employees, of such higher rank or ranks to the next rank below. It shall not remove any such member or employee from such Department for reasons of economy except as hereinafter provided, and in any such demotion from the higher rank or grade, the member or employee to be demoted shall be the last one so appointed to such higher rank or grade. All dismissals or removals from the Department for reasons of economy shall be made from the last person or persons appointed to the Department, regardless of the rank of such person at the time of decreasing the number of employees.
- b. If any officer, employee or member of the Police Department shall be demoted to a lower rank or grade for reasons of economy, such member or employee shall be carried on a special list, and when promotions are made to such higher rank or grade, the person demoted on the ground of economy shall be the first to be restored to the rank from which he was demoted.
- c. If any member of or employee in the Police Department of the City of Lambertville has been, since January 1, 1986, demoted or removed on the ground of economy and for no other reason, in the case of new appointments to the Department, the person so demoted or removed on the ground of economy

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shall be the first to be reinstated to such Department and to the rank from which he was removed, if such rank is retained in the Department in the order of his seniority of service when of equal rank.

3-7 PROCEDURES FOR EMPLOYMENT OF OFF-DUTY POLICE OFFICERS.

- a. Any person or entity wishing to receive police services which the City of Lambertville is not obligated or expected to provide as part of the regular plan of police services or pursuant to its normal provisional services for traffic control at special events, may arrange to receive such services through the Office of the Police Director. Any person or entity disturbing the streets or roadways or altering the normal pattern of traffic within the City of Lambertville shall obtain a certificate from the Office of the Police Director noting that police services have been arranged or in the alternative that such services are not required. The opinion of the Director of Police shall be final.
- b. Except for unusual circumstances, all requests for such services shall be made at least fifteen (15) days in advance and in writing citing the nature of the duties to be performed, the location thereof, the dates and hours of service, the basis of payment for such service and payment in advance for the requested time.
- c. The Office of the Police Director shall administer all activities pursuant to this section.
- d. All officers of the Lambertville Police Department are authorized to perform police related services for private persons or entities on off-duty hours subject to the terms of this section. All assignments for outside services shall be on a voluntary basis.
- e. The party who made arrangements for such services shall notify the Lambertville Police Department a minimum of two (2) hours in advance of the scheduled start time or the party will be responsible for a minimum charge of two (2) hours service per individual.
- f. The charge for such services shall be based on the hourly rates as established annually by the current Collective Bargaining Agreement. Such rate shall include the hourly rate of the officer working plus a sum representing a reasonable approximation of the administrative cost, overhead and out of pocket expenses for equipment and supplies to the City of providing the service and shall be equal to thirty (30%) percent of the hourly rate established. All payments for such services shall be made to the City of Lambertville.

The fee for services of off-duty officers shall be fifty-five (\$55.00) dollars per hour with forty-five (\$45.00) dollars to be paid to the officer. (Ord. No. 2003-05; Ord. No. 2005-14; Ord. No. 2009-09; Ord. No. 20-2014)

- g. Payment to the officer shall be made by the Chief Financial Officer pursuant to the contract with the Lambertville Police Department (Hunterdon County Police Benevolent Association Local Number 188). (1990 Code § 3-7; Ord. No. 2009-20)

3-8—3-9 RESERVED.

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Mayor Fahl asked for Council comments.

The City Attorney responded that these were technical updates to basically account for some of the changes that have happened in the administration with the addition of the Business Administrator and it conforms with the State of New Jersey Statutes.

Mayor Fahl asked for Public comments. There being no public comments, Mayor Fahl asked for a motion to introduce on first reading. Councilwoman Warner made a motion to introduce Ordinance Number 25-2019. Councilwoman Taylor seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present.
MOTION CARRIED.

Mayor Fahl informed the members of the public present that the public hearing is scheduled for October 17, 2019.

ORDINANCE NUMBER 26-2019: *An Ordinance to Amend the Lambertville City Code, 2014, Chapter IV, Police, Nuisance Ordinance.*

Council President Asaro read the ordinance into the record by title. She informed the members of the public present that this will assist the police department with nuisance complaints.

ORDINANCE NUMBER 26-2019

An Ordinance to Amend the Lambertville City Code, 2014, Chapter IV Police Regulations, Adding Section 16, Peace and Good Order

NOW THEREFORE BE IT RESOLVED, that the Lambertville City Code, 2014, Chapter IV, Police Regulations is hereby amended to include the following:

§ 4-16.1 Peace and Good Order

Prohibited acts.

No person, shall within the City of Lambertville:

- A. Be loud, unruly, unmanageable, riotous, uncontrollable or disorderly in any public place or quasi-public place so as to cause a disturbance or annoyance to neighbors, adjacent property owners or other persons within a reasonable proximity;
- B. Cause or permit to be emitted any vile, offensive, obnoxious or nauseating odor;
- C. Willfully or maliciously ring or sound or cause to be rung or sounded any bell, siren or other alarm to give false impression of a fire or emergency;
- D. Appear on any street, road, avenue, park or other parks, including in vehicles parked on the same in a state of nudity.

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E. Remove or interfere with or disturb any lantern, warning signal, obstruction or barricade lawfully placed in or across any public street by a public authority, its contractors, agents, servants or employees.

F. “Cause damage to public property, including, but not limited to, playgrounds, government buildings or driving on park property.”

§ 4-16.2

Definitions.

As used in the chapter, the following terms have the following meanings:

PERSON

Wherever appropriate in connection with the context, includes corporation, partnership, association and individual and shall include the plural.

§ 4-16.3

Violations and penalties.

Unless otherwise provided by law, any person violating this section shall, upon conviction, be liable to the penalty as stated in Chapter I, Section 1-5. (1990 Code § 4-7.3)

INTRODUCTION AND FIRST READING: September 19, 2019

PUBLIC HEARING AND SECOND READING: October 17, 2019

Mayor Fahl commented that this ordinance will give the police department and the court a little more flexibility on how tickets are issued for nuisance violations. She asked for Council comments.

Councilman Sanders asked if the concern for assessing penalties because the code lacked clarity or is it about sentencing. The City Attorney responded that the City noticed there was a lack of general disorderly that many municipalities have an ordinance for. This is a general disorderly, nuisance ordinance beyond just noise. Lt. Brown brought it to our attention. It doesn't go to actual penalties; it incorporates what we already have from the enforcement side. Mayor Fahl commented that it goes beyond noise and allows the Police Department and the Court more discretion.

Mayor Fahl asked for Public comments.

Judy Detrano, Coryell Street, commented that she would love to understand how this came to be presented to council and commented that in the summer time when it is hot

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for long periods of time, the garbage is a problem. Is there any way to address this? Mayor Fahl responded that this isn't about garbage, it is about general conduct, the idea is about disorderly conduct of a person, not a household. Councilwoman Taylor said that if a household was conducting illicit conduct this would allow the police to go in. The City Attorney commented that this was not a trash issue. He said he understood there are things that could be happening, that go towards waste management. This was brought to the City's attention by the Police Department.

Lindsay Gallagher asked for clarification on obnoxious odor. Mayor Fahl said this covers a myriad and is based on standard language pertaining to the nuisance ordinances. The City Attorney explained for example was a vial offensive or obnoxious odor. He commented that he didn't want to get into hypothetical situations, but if someone undertakes something that is not allowed to do under zoning, it creates an odor, storing something in a truck, mulch, something like that, allows the Police to take action.

Susan Clark, 34 Clinton Street commented that she found it annoying that people don't pick up after their dogs. Mayor Fahl responded that she appreciated that, it is an ongoing issue in the City, we do have an ordinance to address that. She asked the members of the public to keep their questions and comments to the ordinance.

Judy Gleason, 86 North Union Street commented that she didn't know when we will be able to see the language, it is one of the challenges, loads of things you can do, this or that, when will this be available. The City Attorney commented that we aren't talking about nuisance but general, there is criminal and municipal. They are a little different. Your neighbor has something going on, someone sprayed pepper spray, requires more police action than a dispute between neighbors. Mayor Fahl responded that this is an ordinance to amend Chapter 4, titled Police and Nuisance Ordinance. It is not a nuisance but more a general way to give the Police Department and the Court an avenue to write a ticket.

Councilwoman Warner commented that it is very clearly defined and she is confident that when it is released to the public, they will have a better understanding.

Mayor Fahl asked for a motion to introduce on first reading. Councilwoman Warner made a motion to introduce Ordinance Number 26-2019. Council President Asaro seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Fahl informed the members of the public present that the public hearing is scheduled for October 17, 2019.

ORDINANCES – SECOND READING

ORDINANCE NUMBER 18-2019: An Ordinance to Establish a Community Aggregation Program in the City of Lambertville.

Mayor Fahl recused herself

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Council President Asaro read the ordinance into the record by title.

ORDINANCE NO. 18-2019

**AN ORDINANCE OF THE CITY OF LAMBERTVILLE
ESTABLISHING AN ELECTRIC ENERGY AGGREGATION PROGRAM**

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric utility market; and

WHEREAS, the establishment of a government aggregator and an energy aggregation program to purchase electric generation service pursuant to N.J.S.A. 48:3-93.1 et seq. and N.J.A.C. 14:4-6.1 et seq. will increase competition for the provision of electric power to residential and non-residential users, thereby increasing the likelihood of lower electric rates for these users without causing any interruption in service; and

WHEREAS, the City of Lambertville is interested in ensuring that a greater percentage of energy provided by the Program comes from renewable energy sources, and will therefore include provisions for the inclusion of renewable energy in the proposals for energy aggregation services; and

WHEREAS, the purchase of renewable energy will reduce the dependence on fossil fuels and under the aggregation process the residential and non-residential ratepayers will likely receive a direct reduction in their electric bills; and

WHEREAS, the realization of energy cost savings is in the interests of the health, safety and welfare of the residents and non-residents of the City of Lambertville, and

WHEREAS, the City of Lambertville hereby finds that it is in the best interests of residential and non-residential ratepayers for the City of Lambertville to create the opportunity for them to enter into an aggregation agreement in order to seek substantial savings on electric rates.

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

1. The City publicly declares its intent to become an aggregator of electric power on behalf of its residential users of electricity pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-91.3 to -98, and implementing regulations.
2. The City will utilize approved vendors, Commercial Utility Consultants, Inc. and its subcontractor Concord Engineering Group dba Concord Energy Services pursuant to the NJ E-PROCUREMENT Pilot program (P.L. 2001, c.30) under the NJ Department of Community Affairs. The Reverse Energy auction will seek bids from licensed and appropriate third-party suppliers. If such winning bid is selected and agreement executed, individual residential consumers would retain the option not to participate and to choose any alternatives they desire.

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3. The Mayor and Municipal Clerk are hereby authorized and directed to execute any documents necessary to carry out the purpose of the Ordinance.
4. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
5. If any portion of this ordinance shall be deemed invalid by any court of competent jurisdiction, the remainder shall survive in full force and effect.
6. This ordinance shall be effective immediately upon adoption and publication in accordance with law.

Councilwoman Warner, who has been working on the Community Aggregation program with Michael Heffler, opened the public hearing and asked for Council comments. There being no Council comments, Councilwoman Warner asked for public comments.

Cyndy Jahn, 89 N. Union Street, asked what conflict the Mayor had with this ordinance. The City Attorney responded that Mayor Fahl alerted the City Attorney and City Clerk of her potential conflict related to her employer's clients and she removed herself from any communications and Council President Asaro and Councilwoman Warner have been handling this Ordinance from the beginning.

Michael Heffler, informed the members of the public present that this ordinance lowers the cost of electricity and offers the customer the option of purchasing renewable energy. He has been working with Concord Energy and he introduced Stacia to the members of the public. The cooperative we are looking at joining has over 8,000 properties and saved over \$155,000 last quarter in electric.

Nancy Anderson, 250 South Franklin Street asked who the company was. Stacia responded that this is just for electric and JCP&L will continue to be the provider. Ms. Anderson asked if they would be installing smart meters. Stacia explained that changing out meters is not part of this program.

Kathryn Amon asked if you would have the option in joining. Stacia explained that you can opt out and you can also select 100% renewable energy which will not yield the same savings. Ms. Amon asked why you wouldn't join.

Councilman Sanders asked that if the number of towns increase, does that effect purchasing power as we go to auction. Stacia responded yes, that it comes down to usages. Councilman Sanders commented if we go out to bid and we don't get a good response, we have no obligation to accept the bid. Mr. Heffler agreed.

Mayor Fahl asked for a motion to close the public hearing. Councilwoman Taylor made a motion to introduce Ordinance Number 18-2019. Councilman Sanders seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

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Mayor Fahl asked for a motion to adopt on second reading. Councilwoman Warner made the motion and Councilwoman Taylor seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCE NUMBER 19-2019: An Ordinance to Amend Zone Line Change and the Zoning Map of the City of Lambertville for Properties Known as Block 1005, Lots 25 and 26

Council President Asaro read the ordinance into the record by title.

ORDINANCE NUMBER 19-2019

An Ordinance to Amend Zone Line Change and the Zoning Map of the City of Lambertville for Properties Known as Block 1005, Lots 25 and 26

WHEREAS, the Zoning Board members and board professionals reviewed an application submitted by the Strumfels for 221 N. Union Street, block 1005, lot 26 at their November 29, 2018 regularly scheduled session for an addition to an existing dwelling within the C-3 District, and

WHEREAS, the C-3 District does not permit residential uses, and

WHEREAS, the Zoning Board members and board professionals advised the applicant they would need to seek either use variance approval or a rezoning of their parcel for a proposed addition to the existing residential dwelling on the premises, and

WHEREAS, the applicant met with their neighbors and identified two additional neighbors that have existing dwellings within the C-3 District, and

WHEREAS, the applicant requested the Governing Body consider rezoning their existing residential parcels from the C-3 District to the adjacent R-2 District, and

WHEREAS, the Mayor, Business Administrator, and City Planner met with the Strumfels and their surrounding neighbors to informally discuss the potential rezoning of three existing residential lots within the C-3 District to the adjacent R-2 District, and

WHEREAS, one of the neighbors indicated they would prefer to remain within the C-3 District, and

WHEREAS, the Governing Body introduced the rezoning ordinance on August 22, 2019, and

WHEREAS, the Planning Board members and board professionals recommended the properties in question be rezoned from the C-3 District to the R-2 District, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAMBERTVILLE, in the County of Hunterdon and the State of New Jersey, that the "Zoning Ordinance", of the Code of the City of Lambertville (2014) (hereinafter "Code") is hereby amended and supplemented as follows:

SECTION 1. Amend Subsection 301, "Zoning Map", of the Code of the City of Lambertville (2014) to read as follows:

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§301 ZONING MAP

A. The boundaries of these districts are hereby established as shown on the map entitled “Zoning Map of the City of Lambertville”, dated September 19, 2019 and as it may be amended pursuant to law.

Editor’s Note: The Zoning Map may be found at the end of this Zoning Ordinance.

B. Zoning Map Amendments.

- 1. No Change
- 2. No Change
- 3. No Change
- 4. Strumfels Rezoning

An Ordinance to rezone Block 1005, Lots 25 and 26 from the C-3 District to the R-2 District.

SECTION 2. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to the subsection, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 3. This Ordinance shall take effect upon final adoption, publication and the filing of a copy of said Ordinance with the Hunterdon County Planning Board, all in accordance with the law.

INTRODUCED: August 22, 2019

PUBLIC HEARING AND FINAL ADOPTION: September 19, 2019

Mayor Fahl informed the members of the public present that this issue was brought to the attention of the Governing Body by the Strumfels and there was a zoning apparition on several homes zoned as Commercial in the Residential district on the North end of North Union Street. There was a public meeting with the residents who reside within 200 feet and 2 of the three properties asked for rezoning. This is what local government should be doing, spotting a problem and fixing it. She opened the public hearing and asked for Council comments. There being no Council comments, she asked for Public comments.

A member of the public asked for the addresses involved. Mayor Fahl said it was numbers 221 and 223, across the street from Tide Tida Restaurant.

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Warner Hartel, 21 Clinton Street asked if this change was mandated by State Government. Mayor Fahl responded that it was brought to our attention and congratulated the Governing Body for moving this forward.

Mayor Fahl asked for a motion to close the public hearing. Councilman Sanders made a motion to introduce Ordinance Number 19-2019. Councilwoman Warner seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Fahl asked for a motion to adopt on second reading. Council President Asaro 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.

ORDINANCE NUMBER 20-2019: An Ordinance to Amend the Lambertville City Code, 2014, Chapter 7, 15 Minute Parking on York Street, Changing the First Two Parking Spaces west of Main Street, and Handicapped Parking, to Reconfigure the Parking to Accommodate the Lambertville Academy and the St. Andrews Church.

Council President Asaro read the ordinance into the record by title.

ORDINANCE NUMBER 20-2019

An Ordinance to Amend the Lambertville City Code, 2014, Chapter VII Traffic, Section 4. 5 Parking Time Limited on Certain Streets, 15 Minute Parking on York Street, Changing the Two First Spaces West of Main Street, and Moving the Handicapped Parking Space to Accommodate the Needs of the Lambertville Academy and the St. Andrews Church

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 VII Traffic as follows:

Section 4.5 Parking Time Limited on Certain Streets, 15-minute parking on York Street from:

York Street, North Side, 15 Minutes, All Hours, First two parking spaces west of Main Street

To:

York Street, North Side, 15 Minutes, Monday through Friday from 7 am to 6 pm, second and third parking space west of Main Street.

Section 4.7 Parking Restricted for Use by Handicapped Persons, York Street, to the first space on the west side of North Main Street.

FIRST READING AND INTRODUCTION: August 22, 2019

PUBLIC HEARING AND ADOPTION: September 19, 2019

Mayor Fahl commented that this ordinance will make drop off and pick-up of students at the Lambertville Academy and the handicapped parking space for the Church flow

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better. She opened the public hearing and asked for Council comments. There being no Council comments, she asked for public comments. There being no public comments, she asked for a motion to close the public hearing. Council President Asaro made a motion to introduce Ordinance Number 20-2019. Councilman Sanders seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Fahl asked for a motion to adopt on second reading. Council President Asaro made the motion and Councilwoman Warner seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCE NUMBER 21-2019: An Ordinance to Amend the Lambertville City Code, 2014, Chapter 7, Section 4.7 Handicapped Parking, Adding One Additional Handicapped Parking Space on the George Street Side of 18 Jefferson Street.

Councilman Sanders recused himself because he resides within 200 feet of this property.

Council President Asaro read the ordinance into the record by title.

ORDINANCE NUMBER 21-2019

An Ordinance to Amend the Lambertville City Code, 2014, Chapter VII Traffic, Section 4.7 Parking Restricted for Use by handicapped Persons, to Include a Handicapped Parking Space on the George Street Side of 18 Jefferson Street

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 VII Traffic, Section 4.7 Parking Restricted for Use by Handicapped Person is hereby amended to include the following handicapped parking space:

George Street side of 18 Jefferson Street

FIRST READING AND INTRODUCTION: August 22, 2019

PUBLIC HEARING AND ADOPTION: September 19, 2019

Mayor Fahl informed the members of the public present that the property owner at 31 Jefferson Street has moved to 18 Jefferson Street and they would like to move the handicapped parking space to the George Street side of 18 Jefferson. She opened the public hearing and asked for Council comments. There being no Council comments, she asked for Public comments. There being no public comment, Mayor Fahl asked for a motion to close the public hearing. Council President Asaro made a motion to introduce Ordinance Number 21-2019. Councilwoman Warner seconded the motion. An affirmative voice vote was taken in favor of the motion by all members eligible. MOTION CARRIED.

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Mayor Fahl asked for a motion to adopt on second reading. Council President Asaro made the motion and Councilwoman Warner seconded the motion. An affirmative voice vote was taken in favor of the motion by all members eligible. MOTION CARRIED.

ORDINANCE NUMBER 22-2019: *An Ordinance Amending and Supplementing the “Zoning Ordinance” of the Code of the City of Lambertville (2015), County of Hunterdon, State of New Jersey And Specifically, Subsections 300 Zoning Districts, 301 Regarding the Zoning Map, 404 Entitled “Residential 2 (R2) Downtown Residential District” To Establish One New Inclusionary Overlay Zone*

The City Planner, Emily Goldman, recused herself because she resides within 200 feet of the property.

Mayor Fahl read the ordinance into the record by title.

ORDINANCE NO. 22-2019

**AN ORDINANCE AMENDING AND SUPPLEMENTING
THE “ZONING ORDINANCE”, OF THE
CODE OF THE CITY OF LAMBERTVILLE (2014)
COUNTY OF HUNTERDON, STATE OF NEW JERSEY
AND SPECIFICALLY, SUBSECTIONS 300 ZONING DISTRICTS,
301 REGARDING THE ZONING MAP,
404 ENTITLED “RESIDENTIAL 2 (R-2) DOWNTOWN RESIDENTIAL DISTRICT” TO
ESTABLISH ONE NEW INCLUSIONARY OVERLAY ZONE**

WHEREAS, the Planning Board of the City of Lambertville, Hunterdon County, State of New Jersey, adopted its current Housing Element and Fair Share Plan pursuant to N.J.S.A. 40:55D-28 on December 3, 2008; and

WHEREAS, the Governing Body endorsed the Housing Element and Fair Share Plan on December 29, 2008; and

WHEREAS, the Governing Body subsequently petitioned the Council on Affordable Housing (COAH) for substantive certification but said substantive certification was not received prior to COAH’s rules being overturned in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 By the Council on Affordable Housing; and

WHEREAS, as COAH failed to adopt new constitutionally compliant rules, the NJ Supreme Court entered an order of March 10, 2015 which transferred responsibility to review and approve housing elements and fair share plans from COAH to designated Mount Laurel trial judges within the Superior Court; and

WHEREAS, the City filed for Declaratory Judgment with the New Jersey Superior Court on July 8, 2015; and

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WHEREAS, the City executed a Settlement Agreement with Fair Share Housing Center (FSHC) on May 22, 2018 that identified the City’s affordable housing obligation and a preliminary indication of how the City would satisfy the affordable housing obligation; and

WHEREAS, the Settlement Agreement was subject to a Fairness Hearing on September 13, 2018 during which the Court found that the Settlement Agreement was fair to the interests of low- and moderate-income households; and

WHEREAS, the Court’s review and approval of the Settlement Agreement is reflected in an Order on Fairness and Preliminary Compliance Hearing signed by the Honorable Thomas C. Miller, P.J.Civ. and filed on October 11, 2018; and

WHEREAS, said Order requires the City to adopt Inclusionary Overlay Zone ordinances that are consistent with the Settlement; and

WHEREAS, the Governing Body can no longer adopt an Inclusionary Overlay Zone on the Closson Farmstead property and is required to adopt alternative Inclusionary Overlay Zones to satisfy the Settlement Agreement; and

WHEREAS, the Governing Body introduced the Inclusionary Overlay Zone ordinances on August 22, 2019;

WHEREAS, the Planning Board has determined that the Inclusionary Overlay Zone ordinances are consistent with the goals and objectives of City of Lambertville’s 2018 Housing Element and Fair Share Plan on September 4, 2019; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Governing Body held a public hearing(s) on the Inclusionary Overlay Zoning ordinances on September 19, 2019; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY

OF LAMBERTVILLE, in the County of Hunterdon and the State of New Jersey, that the "Zoning Ordinance", of the Code of the City of Lambertville (2014) (hereinafter “Code”) is hereby amended and supplemented as follows:

SECTION 1. Amend Subsection 300, “Zoning Districts”, of the Code of the City of Lambertville (2014) to read as follows:

§300 Zoning Districts.

- A. For purposes of this Ordinance, the City of Lambertville is hereby divided into the following zoning districts:

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Symbol	Zone
R-C	Residential - Conservation
R-L	Residential Low Density
R-1	Residential 1
R-2	Residential 2
R-3	Townhouse Residential
CBD	Central Business District
C-2	Service Commercial (Ord. No. 2014-28)
C-3	General Commercial
	Residential Overlay Option 1 (Ord. No. 2001-15)
IO-1	Inclusionary Overlay Zone 1
IO-2	Inclusionary Overlay Zone 2
IO-3	Inclusionary Overlay Zone 3
LHSRA	Lambertville High School Redevelopment Area

B. No change.

SECTION 2. Amend Subsection 301, “Zoning Map”, of the Code of the City of Lambertville (2014) to read as follows:

§301 ZONING MAP

C. The boundaries of these districts are hereby established as shown on the map entitled “Zoning Map of the City of Lambertville”, dated September 19, 2019 and as it may be amended pursuant to law.

Editor’s Note: The Zoning Map may be found at the end of this Zoning Ordinance.

D. Zoning Map Amendments.

1. No change.
2. Overlay Zones.

An Ordinance to Amend the Zoning Map of the City of Lambertville to repeal the Residential Option 2 Overlay District and create two Inclusionary Overlay Zones that create realistic opportunities for housing that is affordable to very-low-, low-, and moderate-income households.

IO-1 Inclusionary Overlay Zone 1	Block 1072, Lot 3 and 3.01 Block 1058, Lot 15
IO-2 Inclusionary Overlay Zone 2	Block 1022, Lot 8
IO-4 Inclusionary Overlay Zone 3	Block 1028, Lot 20

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- 3. No Change.
- 4. No Change.

Editor’s Note: See §1600 for the Connaught Hill Redevelopment Plan. See the Appendix for the Zoning Map

SECTION 3. Create Subsection 404.2K of Subsection 404.2 of the Code of the City of Lambertville (2014) containing the zoning requirements for “Residential 2 (R-2), Downtown Residential District” to read in its entirety as follows:

K. IO-3 Inclusionary Overlay Zone District.

- 1. Purpose and area of application.

To address its affordable housing unmet need obligation, the City through the implementation of an Inclusionary Overlay Zone Ordinance that creates a realistic opportunity for housing that is affordable to very-low, low-, and moderate-income households on Block 1028, Lot 20 This Ordinance establishes the Inclusionary Overlay Zone 3 – the IO-3 District – and permits non-residential uses on the first floor and a maximum of eight (8) apartments on the property identified above provided that such housing complies with a required inclusionary set-aside requirement for affordable housing and with the requirements of this ordinance.

- 2. Special Rules.
 - (a) In any inclusionary development permitted by this ordinance, in the case of affordable rental units, at least 15% of the residential units must be affordable to very-low, low-, and moderate-income households and, in the case of owner-occupied affordable units, at least 20% of the residential units must be affordable to very-low, low-, and moderate-income households.
 - (b) Where this Ordinance contradicts §1200-6 of the City’s Affordable Housing Ordinance, the effects and requirements of this Ordinance shall supersede the requirements of §1200-6.
- 3. Permitted uses.
 - (a) Apartment dwellings such that access to each apartment shall be by means of an entrance to the exterior of the building or by common hallway.
 - (b) Retail sales including retail services incidental to such sales.
 - (c) Personal services.

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- (d) General and professional offices.
4. Restriction on conditional uses. No development utilizing the provisions of the IO-3 Inclusionary Overlay District shall include any conditional use permitted in §404.4.
 5. Accessory Uses Permitted.
 - (a) Landscaping features including benches, trellises, gazebos and other such features customarily associated with the permitted principal uses.
 - (b) Fences and walls in accordance with the design provisions specified in §507.
 - (c) Patios and balconies.
 - (d) Off-street parking in accordance with §404.2K.10 and §509.
 - (e) Signs in accordance with §515.
 - (f) Lighting in accordance with §511.
 - (g) Stormwater management and other utilities.
 - (h) Conservation areas, recreation, open space, and public purpose uses.
 - (i) Temporary construction trailers and one (1) sign not exceeding thirty-two (32) square feet in area, either attached to the trailer or freestanding, which advertises the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction beginning with the issuance of a construction permit and ending with the issuance of a Certificate of Occupancy or one (1) year, whichever time period is less. The temporary construction trailer(s) and temporary sign shall be located on the site where the construction is taking place and shall be set back at least thirty feet (30') from all lot lines and from the right-of-way lines of all existing and proposed streets. There shall be at least one (1) operating telephone within the trailer.
 - (j) Other accessory uses customarily incidental to a principal use.
 6. Maximum Number of Residential Units. The maximum number of residential units permitted shall be eight (8) residential units.
 7. Maximum Non-Residential Floor Area Ratio. The maximum non-residential floor area shall be 0.35.
 8. Maximum Building Height.

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- (a) No principal building shall exceed forty (40) feet in height and three (3) stories as measured from the proposed finished grade except as further allowed in §400.8, entitled “Height Exceptions”.
- (b) No accessory building shall exceed twelve (12) feet in height.

9. Area, Yard, and Coverage Requirements

- (a) The following regulations, area, bulk, setback and intensity requirements for the principal dwelling and permitted accessory structures applies for the IO-3 District:

IO-3 Area, Yard and Coverage Requirements, §404.2K.8	
Min. Lot Size	0.15 acres
Min. Lot Frontage	75 feet
Min. Lot Depth	75 feet
Max. Building Coverage	40%
Max. Lot Coverage	80%
Principal Building	
Min. Front Yard Setback	0 feet
Min. Side Yard Setback	5 feet
Min. Rear Yard Setback	N/A
Accessory Buildings or Structures	
Min. Front Yard	N.P.
Min. Side Yard	5 feet
Min. Rear Yard	N/A

N.P. = Not a permitted location.

- (b) No parking area, loading area, driveway or other structure (except for approved access ways, signs and fencing) shall be permitted within five feet (5’) of any tract boundary line, and such areas shall be planted and maintained in lawn area or ground cover and shall be landscaped with trees and shrubbery as approved by the Board.

10. Off-Street Parking.

- (a) Each dwelling unit shall be provided a minimum number of parking spaces according to the provisions of the Residential Site Improvement Standards (RSIS), *N.J.A.C. 5:21*.
- (b) Each non-residential unit shall be provided a minimum number of parking spaces in accordance with the off-street parking provisions identified for the Central Business District (CBD), §406.7A.
- (c) See §509 for additional standards.

11. Affordable Housing Standards.

- (a) The affordable housing unit shall be a two-bedroom unit.

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- (b) The affordable housing shall be affordable to a moderate-income household.
- (c) The affordable housing unit cannot be age-restricted.
- (d) The affordable housing unit shall be developed in accordance with the length of controls required and deed restriction pursuant to N.J.A.C. 5:80-26.11.
- (e) The affordable housing unit shall be developed in accordance with the accessibility and adaptability requirements pursuant to N.J.A.C. 5:97-3.14 and N.J.S.A. 52:27D-123.15.

SECTION 5. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to the subsection, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 6. This Ordinance shall take effect upon final adoption, publication and the filing of a copy of said Ordinance with the Hunterdon County Planning Board, all in accordance with the law.

INTRODUCED: August 22, 2019

PUBLIC HEARING AND FINAL ADOPTION: September 19, 2019

Mayor Fahl read the following statement into the record: This overlay ordinance is required to be approved as part of the City’s third round affordable housing plan. In that regard, the City and the Fair Share Housing Center negotiated an agreement that has been supported by the Court-appointed Special Master and approved by the Court. This site has been identified as an alternative site to the Closson property, and has the ability to generate one affordable housing unit towards the City’s third round obligation.

A component of the agreement requires the creation of an overlay zone for this property. More specifically, the governing body agreed to create an overlay zone for the Auto Parts site, which in part provides that the property owner will have the ability to develop residential units –market rate and affordable – on the site.

The proposed ordinance permits a total of 8 residential units; 7 of which are market rate, one unit would be affordable. Commercial use – the underlying zoning for the site- will remain in place in perpetuity; this ordinance puts the zoning in place to permit the construction of residential units.

The ordinance provides certain height and setback requirements that conform with the characteristics of the City. This ordinance gives the City the opportunity to control the

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architecture, design and other building aspects for any future on-site residential construction as opposed to leaving it up to the property owner, should they seek variance relief on their own.

This governing body understands and remains committed to its constitutional obligation to provide a realistic opportunity for the development of affordable housing and tonight's ordinance implements the terms and conditions agreed to with the Fair Share Housing Center.

We understand your concern re: parking, traffic, etc. All of those issues will be addressed at the Planning Board level and we welcome your input at those public hearings. In that regard, this ordinance amends the City Code to allow for residential use. We have set forth building requirements, but as for landscape and actual building design, that will take place when an application is filed with the land use board. There, the issues of design and appearance of the residential building will be fleshed out. We are not getting into those specifics this evening, but rest assured those issues will be address by the Board's professionals and the developers' professionals.

The governing body remains committed to ensuring Lambertville's character and charm remains while ensuring that low- and moderate-income families are a part of our community as well. We believe that we are achieving this goal by spreading affordable housing throughout the City while maintaining the appearance of the housing in a way that makes any individual feel welcomed and excited to be a part of our City.

- Stan Slachetka, Conflict Planner, walked the site before the meeting; he will be familiar with the terms of the settlement and able to speak to the setbacks, height, and appearance in a way that will underscore your theory that this building will confirm to the residential standards of the City and blend in with the overall housing stock in the community.

Mayor Fahl opened the public hearing and asked for Council comments.

Council President Asaro asked if this gave the City the credits needed. Mayor Fahl responded that this is complicated, we are under the gun and have a very specific deadline with the court that mandates the City to provide the adopted ordinances very soon. We have run into several snags, including the Closson property. Before we talk about every piece being developed, we are obligated to find realistic development potential.

The City Attorney responded that adopting this ordinance will allow the City to be immune from builder's remedy. It prevents builders from affirmatively coming in and building. It gives the City the opportunity, with planning and zoning board, to air

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concerns about what is developed. They would still have to follow the rules on RSIS parking, set-backs without giving away the farm.

Mayor Fahl introduced Stan Slachetka, the Conflict Planner. She then asked for Public comments.

Stephanie Moss addressed the Governing Body. She said she represented those in her neighborhood, who got together to write up their concerns. She read the following statement into the record.

Several of my neighbors got together to discuss the proposed amendment and supplement to the Lambertville Zoning Ordinance via Ordinance Number 22-2019 that you are voting on today. Instead of each of us individually expressing our opinions we thought it best to have one individual express the groups concerns BUT should any points be missed, I asked my neighbors please take the opportunity to clarify and/or add to what has been said.

First and foremost, I want to say this is NOT an objection to a proposal of Low-to-Moderate housing. Instead it is to express some concerns that we have with regard to the ordinance and the changes in the zoning and the size of the proposed change.

The majority of us received the certified notification but there were three families who said they had not received the notice. This is an oversight but we are not sure by whom.

One of the primary issues that we discussed were the inconsistencies of the ordinance that we received in the mail. When wading through the verbiage of the ordinance there were several confusing points – not to mention translating the legalese or should I say “city ordinance speaks,” and discerning exactly what was being proposed.

These are a few of the points that we found to be confusing:

The map that was provided to us has identified two areas of change (see map):

- One labeled Area of Change CBD with IO-3 Overlay
- The second Area of Change R-2 with IO-4 Overlay
 - In SubSection 300 titled Zoning Districts under Section A the table lists IO-1, IO-2, and IO-3 but does not mention IO-4
 - In SubSection 301 titled Zoning Map under Section B Zoning Map Amendments #2 which is titled Overlay Zones
 - The verbiage at the beginning says “to repeal the Residential Option 2 Overlay and create Two Inclusionary Overlay Zones” which is followed by a table that lists three inclusionary overlay zones: IO-1 – Block 1072, Lot 3 and 3.01 and Block 1058, Lot 15 (which is Rock Road West and Brunswick Pike); IO-2 – Block 1022, Lot 8 (which is the buildings in the area of old Riverhorse brewery); and IO-4 Block 1028, Lot 20 (the Auto Parts Store on Delevan/Clinton Street)
 - IO-1 Inclusionary Overlay Zone 1 is not on the map we received
 - IO-2 Inclusionary Overlay Zone 2 is not on the map we received
 - IO-3 is not in the table listed in the Overlay Zones section but is on the map we received and is identifying Block 1022 Lot 10 and 11 (which is the Finkle’s Warehouse and Parking Lot).
 - IO-4 is on the map and is Identifying Block 1028, Lot 20 (the Auto Parts Store)

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- In Subsection 404.2 in the newly created Section K. titled IO-3 Inclusionary Overlay Zone District under the section Purpose and Area of application it states “on households on Block 1028, Lot 20 (Auto Parts Store.) This Ordinance establishes the Inclusionary Overlay Zone 3 – IO-3 District” which is on the map as IO-4 not IO-3
- Lastly IO-1 and IO-2 were already approved in Ordinance 05-2019 on April 18, 2019 which created the zones and repealed the Residential Option 2. This is the exact verbiage that was used in the beginning of this Ordinance 22-2019 and what you are currently voting on tonight.

Now if all of this sounds confusing and inconsistent it is! Therefore, how can you, the members of city council, with good conscious vote to approve this ordinance as it is written with the inconsistencies presented tonight?

Regardless of the inconsistencies in the ordinance we have additional concerns:

The ordinance states that the Auto Parts store Inclusionary Overlay Zone 3 (or is it 4) permits a maximum of 8 apartments AND non-residential uses on the first floor.

- To say the least this is just too many units and such a small lot and current location. Why is this too many?
 - First, the scale and density of the proposed change does not make sense when compared to previously approved Overlays 1 and 2. The maximum number of dwellings for Overlay 1 (Rock Road West and Brunswick Pike) was a maximum density of 6 dwelling units per acre and for Overlay 2 (Riverhorse area) a maximum of 10 Units per Acre. That is per acre. The AUTO PARTS lot is not even a quarter of an acre but just .148 of an acre, and what is being proposed is a maximum of 8 apartments AND non-residential space. This lot is even on the EDGE of the minimum lot requirement of .15 acres as stated in Section k number 9.
 - Second, this is not going to be a Big Surprise to Most of You – PARKING
 - According to the code, each unit, if one bedroom will require 1 1/2 off-street parking spaces. The low-to-moderate income unit apartment will require 1 3/4 off-street spaces because it has to be two bedrooms. This is a total of 12 or if rounded up 16 off-street spaces required that are at minimum 12-foot-wide on a lot that is only able to fit at the most 6 parking spots across. In addition, off-street parking spaces are required for the nonresidential uses, which requires 1 off-street parking space per 300 square feet of nonresidential space used.
 - Where will visitors for said apartments be parking? On a street that is already tight for the current residents?
 - Regardless of which street the units face they will be backing out onto a one-way street into a high-traffic area. Will there be enough space for the driveway standards that are put forth in 509.11 Table 5.2 for one-way streets?
- Does IO-3 set a precedent that any lot is .15 of an acre have the potential to become 8 apartments and nonresidential space in an already zoned Downtown Residential Zone 2 (which by the way currently only allows for accessory apartment within a single family unit and only one per lot and only if approved by the planning board)?
- What about Required Loading Requirements for the retail space as per 509.9 and the Trash Area Requirements for the Apartments and Retail Space? How will this area impact the neighbors of the properties that are in such close proximity to this lot?

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These are just a few of the areas of concern that we as a group discussed. I invite my neighbors to speak up if I have missed anything or if they want to express their thoughts. In conclusion we ask of you Mayor Fahl and City Council Members two things tonight:

- Turn down Ordinance 22-2019 until the inconsistencies are fixed and all of us, who are required, receive the revised Ordinance in the mail for review and then are able to comment at a regularly scheduled City Council meeting.
- And Rethink the maximum cap for the number of apartments that are allowed by the Ordinance to be more in line with the size of the lot and the density of the surrounding neighborhood OR just keep the zoning as R2 Downtown Residential with no overlays.

Thank you for your time and consideration.

Mayor Fahl addressed Stephanie Moss and said she appreciated everyone working together to air your concerns with our council. Quick notes: in terms of precedence setting on density, the idea with the overlay zones is that the city will work with the City Planner so that this isn't writ large or in areas where the community can hold the density, not about precedence but identifying specific areas for realistic potential for density issues. Second this Council is fulfilling its obligation to the court however there are multiple boards you can air your concerns on mapping, parking and general planning. We have an obligation to the court to provide areas for affordable housing. Thank you for the notes on the inconsistency for language, my understanding as long as there aren't considerable changes, minor, that can be done on the spot, scrivener's error. In consistencies over number 3 or 4 can be edited. This is an ordinance that has been ongoing since well into the predecessor's era. They held multiple public meetings this was something that is happening statewide. We are not alone; fair share housing and affordable housing has put this in the forefront of every municipality. Unfortunately, if nothing else, I understand concerns but we are small, built-out community, we have to identify areas we can have affordable housing, it is important and the right thing to do.

Stan Slachetka, the Conflict Planner added that the fact this site would be zoned does not establish a precedence for applications of similar density, it is very specific. Having an agreement would limit anyone else coming in and forcing a similar situation within the city.

Councilwoman Warner asked Stan Slachetka if the City does not comply with the Court's mandate, can the city face a penalty? The City Attorney responded that right now, COAH has been in the works for years. The City would face sanctions with the court. The biggest thing out of all that could happen, is the City losing immunity through 2025 and a builder coming in to force a "builder's remedy." If we don't have an overlay as part of the settlement, this could happen.

Daniel Knott, 75 Clinton Street, asked about the affordable housing mandate, 1 affordable unit and we are creating high density for one unit. What is our mandate, that's the question I am concerned about. What are we mandating? Mayor Fahl responded that this has been ongoing for many years. The City has a settlement agreement with the Court. The City Planner, Emily Goldman, was brought in to answer

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this question. Ms. Goldman responded that the prospective need is 137 units, however, because we did a vacant land analysis, the realistic development is 88 units. Of the 88 units, 25 are allowed to be bonus credits, we need 66 units to satisfy, of that 66 units, we need 28. The rest are existing. The unmet need is 49. The Overlay zones, the number of potential apartments: of 49 units, we have some existing units already, we have capped our senior units and nonfamily units per round for a total of around 28 units.

Mayor Fahl responded that the City can adopt an ordinance for an overlay zone that places all 49 units in one place, but it is difficult to find that place. At the end of 2018, the Governing Body failed to adopt an ordinance to do this at the Closson property because of public pushback. Although we would have met most of our development potential requirements, and because of what we agreed to do, this is one of several smaller sites where we would need to increase density to realize one affordable housing unit.

Stephanie Moss commented that this was not about low- and moderate-income housing, it is about inconsistencies in the ordinance, when you say they are minor, they are not minor. There is major stuff with presenting IO-1 and IO-2 already approved by this board. The community does not have a problem with 1 affordable housing unit, they have a problem with the density and putting 8 units on this site.

Mayor Fahl responded that she appreciates her comments, she disagrees that those edits are significant. She reminded everyone that the density is only if the property owner decides to develop it and the parking will be addressed at one of the land uses boards.

Judy Gleason, 86 North Union Street, this is complementary to Stephanie. A public hearing is supposed to be held with the public having the information they need if you gave them the wrong information, the whole reason why, in that vein, first we don't know what the deadline is. We know you are under a deadline. She is guessing there is time to receive accurate information and participate. What she says in whereas, talks about planning board, consistent with goals of the housing element and fair share plan. Those minutes are not available, unless the deadline is next week. It seems there is time to provide the public with the kind of information that people can look at. She asked for a little time with accurate information.

Debbie Monigan, 109 N. Union Street commented that she is in the weeds. I think neighbors and I agree, no objection to moderate- and low-income housing. The issue is the density. She would like to understand why it has to be 8. Why can't it be 4, is it part of the mathematics from the State?

Mayor Fahl responded that there is opportunity for it to be 2 or 3. Ms. Monigan asked for it to be taken care of now. What is the formula? Mayor Fahl responded that the statute for fair housing for one moderate unit is 5. Stan, the conflict planner, commented that if it is a for sale unit, there is a requirement for 20% set aside for affordable housing. And for rental units there is a requirement of a 15% set aside for

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affordable housing. Mayor Fahl responded to the question saying the number of 8 units was part of the negotiations with fair share housing, and the court appointed master who was pushing for a higher number.

Discussion ensued. Residents within 200 feet of the property had the following issues:

1. Concern that 3 people within 200 feet did not receive notice of this ordinance or public hearing;
2. Inconsistency with the Ordinance;
3. Density of 8 would impact quality of life:
 - a. Parking
 - b. Traffic Congestion
 - c. Size of the Units

Councilwoman Taylor asked the City Attorney how an application would be handled if the City passed an Ordinance that is impossible for developers to develop because of impossible standards. The City Attorney said the relief would be sought by filing an application for a variance to one of the land use boards. She asked if the City would be setting ourselves up for an issue with COAH. The City Attorney said that this was negotiated with COAH and he didn't believe it would be an issue.

Stan, the City Conflict Planner commented that if the developer is not able to realize development, it does not violate the land use agreement as long as we provide the opportunity.

Mayor Fahl commented that the City has been working for the past year and while she understands the community's concern about density, she wanted to remind everyone that the problem will be the same with the next location.

Lauren Kovacs, 90 Douglas Street, asked if the City invited the community to a meeting to discuss this. We all seem to be saying, we don't understand, seems like it is set in stone. Mayor Fahl thanked Ms. Kovacs for her comments. This conversation has been going on since 2015. I personally attended multiple meetings regarding affordable housing obligations and various overlays. In fact, the largest hearing with multiple overlays was in November of 2018, so the pushback that this isn't a transparent process isn't right. The City is actively working to provide you other means of access through various other boards. This isn't passing the buck, this is how land use works. We are addressing the need for affordable housing and Planning Board will make sure it is built within standards.

Herb Spiegel addressed the Governing Body. I have no statement but I have a favor. We can't go to all the Planning Meetings; we elect you all to represent us. You see tonight the feeling of this community. We ask as a favor to represent us.

Discussion ensued. The following comments were made:

- o Concern for the parking;

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- Recent development on Clinton Street includes six new townhomes and the loss of parking garages and a lot;
- Question about if the lot size can handle 8 apartments, on-site parking, housing for trash;
- Concern for the retail space on the first floor;
- Concern for the height of the building, the loss of sun.

Councilwoman Warner addressed Mayor Fahl. She commented that there is nothing we can do. If people want to get into the weeds, we are getting into the weeds. Throughout this process, the City has identified multiple spaces for reasonable development. The owners of the Finkle's property requested that we remove it from the ordinance. We are not in the business of passing ordinances against property owner concerns.

Discussion ensued and additional statements

Lilly Chen, 17 Clinton Street, commented that she was one of those who reside within 200 feet that did not receive her notice. She asked if the City thought outside the box and sited her experience with the opening of a women's shelter (Anderson House).

Members of the Governing Body expressed concern for the following:

- Enacting an Ordinance that wasn't buildable;
- Number of units (8);
- Worries about the possible challenge to the ordinance in court;

After additional comments, Mayor Fahl asked for a motion to rescind Ordinance Number 22-2019. Councilwoman Warner made the motion to rescind and Councilwoman Taylor seconded the motion. An affirmative voice vote was taken in favor of the motion to rescind the Ordinance by all members present. MOTION CARRIED.

Mayor Fahl asked everyone present to keep attending meetings and voicing their concerns.

Gary O'Connor suggested that the City explore apartments as accessory uses.

ORDINANCE NUMBER 23-2019: An Ordinance to Amend Ordinance Number 07-2019, the Salary & Wage Ordinance to Include the Position of Qualified Purchasing Agent with Salary Ranges from \$1,000.00 to \$5,000.00.

Council President Asaro read the ordinance into the record by title. Mayor Fahl informed the members of the public present that this Ordinance adds the position of Qualified Purchasing Agent to the City's Code. A Qualified Purchasing Agent raising the bid threshold from \$17,500 to \$40,000 and the City will save money because we will not need to go out to bid as often as we did in the past.

ORDINANCE NUMBER 23-2019

"AN ORDINANCE TO AMEND ORDINANCE NUMBER 07-2019, THE SALARY RANGE FOR THE OFFICIALS AND EMPLOYEES OF THE CITY OF LAMBERTVILLE, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO ADD THE POSITION OF QUALIFIED PURCHASING AGENT"

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BE IT ORDAINED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey that Ordinance Number 07-2019 is hereby amended as follows:

SECTION ONE: The following shall be the range of compensation for the officials and employees of the City of Lambertville not covered by separate bargaining units to include a Qualified Purchasing Agent:

Qualified Purchasing Agent	1,000.00 to \$5,000.00
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INTRODUCED: August 22, 2019

ADOPTED: September 19, 2019

Mayor Fahl opened the public hearing and asked for Council comments. There being no comments from the Governing Body, Mayor Fahl asked for Public comments.

Warner Hartel asked for an explanation of how the City will save money by hiring a Qualified Purchasing Agent. Mayor Fahl explained that when the bid threshold is at \$17,500, we need to go out to bid to make a purchase. By raising the bid threshold to \$40,000, we don't need to bid the project which saves advertising fees, copying fees, staff time, and we may also receive better quotes.

Mayor Fahl asked for a motion to close the public hearing. Council President Asaro made a motion to introduce Ordinance Number 24-2019. Councilwoman Warner seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

Mayor Fahl asked for a motion to adopt on second reading. Councilman Sanders made the motion and Council President Asaro seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. **MOTION CARRIED.**

ADMINISTRATIVE REPORT – Business Administrator

The Business Administrator gave the following update:

Road Resurfacing Delevan and N Union: Elizabethtown Gas paved a big section of Delevan and N Union as part of the City's commitment to curb-to-curb restorations of major road work.

Clinton II Bid award: The contract was awarded and Notice to Award provided to contractor immediately and getting all that documentation in order to be able to start as soon as possible. 10/15 was the initial target date for starting.

Trex update: We are more than 20% of the way to our goal of 500 pounds. We do need a new volunteer to help with the program, it requires about 1-2 hours of work per week to help sort and weigh the plastics collected. There has been some contamination - people need to be very careful to only throw out clean plastic, not a trace of food on it.

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Food waste is not only gross for the volunteers helping to clean up, but it contaminates other materials and ends up creating more waste because of that.

Trash/recycling next steps: We have decided on and ordered labels for all the bins, including trash, recycling, and food waste

Budget Update: We have been taking submissions and I've been having one-on-one meetings with various DCCB's (Departments, Committees, Commissions, and Boards). All requests are due before Oct 15th, and then we will be working to gear up for the budget presentations in November, which are for the 12th and 14th. We've also started the #MoneyMonday posts on the City's Facebook page, giving out useful information about the budget and finances as we go through this process, with the goal of being as transparent as possible and educating the community on the City's budget and finances

New phone and receptionist system: We implemented a new phone system that is VOIP, and will save the City about 25-35% of the costs over the old system (About \$200-\$300 per month). It also has a number of features that are helpful, including all buildings being on the same extension system, automated receptionist, a smartphone app that allows you to use your desk phone from your smartphone and more.

Landlord/Rental Registration: We are meeting with landlords of both small and larger properties next week to let them know our broader goals, solicit feedback about working with the City and this process, and make sure we are getting the right information to inform our conversations about how to make the process by which landlords register and work with the City.

ONGOING PROJECTS

Mayor Fahl informed the members of the public present that the goal is to educate the public, build a better agenda and to meet with the landlords.

Garbage, Recycling and Food Waste/Third Can Collection was addressed by the Business Administrator.

LMUA Force Main and Swan Creek Flood Gates: The State denied our request for a public meeting but has agreed to meet with Mayor Fahl, the Executive Director of the LMUA and the City Engineer.

CONSTITUENT CONCERNS/NEW BUSINESS

Trick or Treating, October 31, 2019: Road Closures: North Union Street beginning at York Street and ending at Buttonwood Street from 5:30 to 8 pm, noting that Trick or Treating will take place from 6 – 8 pm.

Mayor Fahl asked for a motion to authorize the road closures for Trick or Treat. Councilman Sanders made the motion. And Council President Asaro seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

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Arts Improvement District – Carried to the October 1, 2019 work session.

Area in Need of Rehabilitation Discussion – carried to the October 1, 2019 work session.

CORRESPONDENCE

JCP&L: Notification of Environmental Investigation and Clean-Up

NJLM: Notice of Annual Conference.

ELIZABETHTOWN GAS: Petition and Approval of Increase Base Tariff Rates and Charges.

ANNOUNCEMENTS

RABIES CLINIC: The City will host a free rabies clinic for cats and dogs on Saturday, September 21st from 1 – 3 pm at the Union Fire House located at 230 North Main Street.

HALLOWEEN PARADE: The annual Halloween Parade will be held on Sunday, October 27. For additional information, please visit: www.lambertville08530.org

PET PARADE: The annual Pet Parade will be held on Saturday, October 19 with a rain date of Sunday, November 3.

PUBLIC PARTICIPATION/PUBLIC CONCERN

Judy Detrano asked about the three trees that were cut down by the Catholic Church on Bridge Street. Helen Pettit (member of the Shade Tree Commission) and Emily Goldman (the former Chair of the Shade Tree Commission) commented that the trees were removed without appropriate approval by the Shade Tree Commission. The Church agreed to replace the trees but to date have not followed through.

Jay Garrison, 90 Bridge Street commented that there was a stump posing a potential hazard. Helen Pettit responded that this was a high priority for the Shade Tree Commission.

Lauren Kovacs, 90 Douglas Street read the following statement into the record: Request Keep Lambertville Green is a citizen volunteer group dedicated to preserving and enhancing Lambertville’s natural beauty, wildlife habitats, and environmental resources to protect the community character and lifestyle enjoyed by our residents. One of our group’s goals is to convince the City to pass an ordinance eliminating or, at a minimum, strictly limiting the use of pesticides within City limits. We encourage the City to, as soon as possible, enact a moratorium on the use of all synthetic pesticides within the City for the length of one year. During the year, we ask that the City work with Keep Lambertville Green and other interested stakeholders to author and pass an ordinance mandating the use of Integrated Pest Management for pest control with strict limits on, and permits required for, the use of certain pesticides. Integrated Pest Management (IPM) is a sustainable approach to managing pests by combining biological, cultural,

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physical and chemical tools in a way that minimizes economic, health, and environmental risks. (USDept. of the Army)
<https://aec.army.mil/index.php/consERVE/IPM>

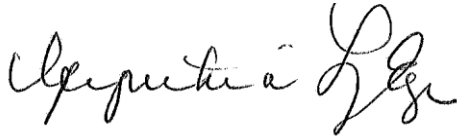
A member of the public and Lyndsay Gallagher addressed the Mayor and Council expressing concern over the railroad, the roll out of 5 g, and the trees removed on Lewis' Island.

Judy Detrano expressed concern for the tree cutting along the Delaware River Canal.

ADJOURNMENT

The meeting adjourned at 11:08 p.m. with a motion made by Councilman Sanders and seconded by Councilwoman Taylor. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Respectfully submitted,



Cynthia L. Ege
CMR, RMC, City Clerk



The September 19, 2019 Voting Session Minutes were approved at the October 17, 2019 Voting Session.