



City of Lambertville
Regularly Scheduled Council Meeting
June 16, 2022, 7:00 P.M.
Phillip L. Pittore Justice Center
25 South Union Street, Lambertville
AGENDA

I. STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

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

This meeting will be recorded and streamed live using the Zoom Meeting Platform.

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

II. ROLL CALL

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

III. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

IV. APPROVAL OF THE MEETING MINUTES

May 19, 2022 Regularly Scheduled Meeting Minutes

May 19, 2022 Closed Session Minutes

June 2, 2022, 2022 Work Session Meeting Minutes

June 2, 2022 Closed Session Minutes

V. PROCLAMATIONS

- a. Elizabeth Magill Peer for her leadership with the Environmental Commission, grant applications, and Sustainable Jersey Application.

Proclamation

WHEREAS, Elizabeth Magill Peer was first appointed Chairperson of the Lambertville Environmental Commission in January of 2019; and

WHEREAS, Liz has many accomplishments including Trek Recycling; Plastic Bag Ban in Lambertville – 2016; Sustainable Jersey Silver Certification; and the Reusable Bottle Distribution at the Lambertville Public School - 2021; to name just a few!

WHEREAS, as Chairperson for the Environmental Commission she has collaborated on joint efforts with the Parks and Recreation Commission and Lambertville Goes Wild, assisting with a tree sapling give-away, providing educational videos to teach our community about water conservation, mitigation of climate change, Reading “The Earth Book” by author Todd Parr and posting it on Facebook; and sharing information about the Native Plant Society of New Jersey; and

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WHEREAS, as a result of her endless energy and creative ideas, the City of Lambertville has been the recipient of grants from Sustainable Jersey for the plastic ban, and ANJEC to replant and revive rain gardens at Cavallo Park;

WHEREAS, Liz participates in the New Jersey Resiliency Planning Program co-sponsored by the State of New Jersey DEP and FEMA and she has provided valuable information that will be used in the planning for long-term sustainability and educational information about flooding; and

WHEREAS, her organizational skills have benefited the City in many ways and with many projects, including the clean-up of our waterways that attracted over 80 participants and resulted in the collection of XX tons of trash; and

WHEREAS, Elizabeth Magill Peer was recently named a Sustainability Hero by Sustainable Jersey for the month of May, 2022.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that Elizabeth Magill Peer is hereby recognized and congratulated for her many successes and celebrated for her contributions to our beautiful city.

BE IT FURTHER RESOLVED that Sunday, June 26, 2022 is hereby proclaimed Liz Magill Peer's Sustainability Day in the City of Lambertville.

ADOPTED: June 16, 2022

Andrew J. Nowick, Mayor

VI. 2022 BUDGET

a. ORDINANCE SECOND READING

- i. ORDINANCE NUMBER 16-2022: An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank*

CALENDAR YEAR 2022

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

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WHEREAS, the City Council of the City of Lambertville in the County of Hunterdon finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the City Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$39,465.62 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the City Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Lambertville, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the City of Lambertville shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$39,465.62, and that the CY 2022 municipal budget for the City of Lambertville be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

- b. PUBLIC HEARING ON THE 2022 BUDGET
- c. RESOLUTION TO AMEND THE 2022 BUDGET

RESOLUTION 116-2022

***RESOLUTION TO AMEND THE 2022 BUDGET OF THE CITY OF LAMBERTVILLE,
COUNTY OF HUNTERDON, STATE OF NEW JERSEY***

WHEREAS, the local municipal budget for the year 2022 was approved on the 19th day of May, 2022, and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget, which does not require advertisement,

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NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Gloucester, County of Camden, that the following amendments to the approved budget of 2022 be made:

GENERAL REVENUES	<u>From</u>
<u>To</u>	
(3) Miscellaneous Revenues – Section A: Local Revenues	
Alcoholic Beverages (Sheet 4)	\$24,632.00
\$21,100.00	
Total Section A; Local Revenue	\$722,032.00
\$718,500.00	
(3) Miscellaneous Revenues – Section B: State Aid Without Offsetting Appropriations	
Consolidated Municipal Property Tax Relief Aid (Sheet5)	\$41,006.00
\$24,451.00	
Energy Receipts Tax (Sheet 5)	\$374,064.00
\$390,619.00	
(3) Miscellaneous Revenues – Section E: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services – Additional Revenues with Appropriations (NJSA 40A:4-45.3h)	
Licenses - Alcoholic Beverage (Sheet 8)	\$4,368.00
\$7,900.00	
3. Miscellaneous Revenues:	
Total Section A: Local Revenues (Sheet 11)	\$722,032.00
\$718,500.00	
Total Section E: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services – Additional Revenues with Appropriations (NJSA 40A:4-45.3h) (Sheet 11)	
\$4,368.00 \$7,900.00	

GENERAL APPROPRIATIONS	<u>From</u>
<u>To</u>	
(A) Operations – within "CAPS"	
Police SW (Sheet 14)	\$1,0456,257.72
\$846,703.13	
Police (American Rescue Plan) SW (Sheet 14)	\$0.00
\$198,922.59	
(A) Operations – Excluded from "CAPS"	
Uniform Construction Code Appropriations Offset by Increased Fee Revenues	

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Borough of Frenchtown Interlocal Agreement Construction Code Official SW (Sheet 21)	\$80,000.00
\$0.00	
Construction Code Official OE (Sheet 21)	\$5,250.00
\$0.00	
Borough of Frenchtown Interlocal Agreement Zoning SW (Sheet 21)	\$3,700.00
\$0.00	
Total Uniform Construction Code Appropriations	\$88,950.00
\$0.00	
(A) Operations – Excluded from "CAPS"	
Shared Service Agreement	
Borough of Frenchtown Interlocal Agreement Construction Code Official SW (Sheet 22)	\$0.00
\$80,000.00	
Construction Code Official OE (Sheet 22)	\$0.00
\$5,250.00	
Borough of Frenchtown Interlocal Agreement Zoning SW (Sheet 22)	\$0.00
\$3,700.00	
Total Interlocal Municipal Service Agreements	\$0.00
\$88,950.00	
SUMMARY OF APPROPRIATIONS (Sheet 30)	
(A) Uniform Construction Code	\$88,950.00
\$0.00	
(A) Shared Service Agreement	\$0.00
\$88,950.00	

BE IT FURTHER RESOLVED that a certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for certification of the local municipal budget so amended.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the Township Council on the 16th day of June 2022.

d. ADOPTION OF THE 2022 BUDGET

VII. RESOLUTIONS – CONSENT AGENDA

RESOLUTION NUMBER 96-2022: A Resolution in Support of the Ability of Municipalities to Adopt Regulations to Protect Public Health, Safety and Welfare from the Threats of Flooding.

RESOLUTION NUMBER 96-2022

**RESOLUTION IN SUPPORT OF THE ABILITY OF MUNICIPALITIES
TO ADOPT REGULATIONS TO PROTECT PUBLIC HEALTH, SAFETY,
AND WELFARE FROM THREATS OF FLOODING**

WHEREAS, in recent years, residents have experienced more frequent and severe storms, which have caused increased flooding and flood damage in the municipality;

WHEREAS, the increase of flooding events and flood damage threatens the public health, safety, and welfare, imposes economic damages to residents, and taxes municipal services that are forced to respond to increased flooding;

WHEREAS, pursuant to N.J.A.C. 7:8-1.5(a), municipalities are permitted to impose additional or more stringent stormwater management requirements than the model ordinance promulgated by the New Jersey Department of Environmental Protection (“NJDEP”);

WHEREAS, each municipality has unique situations that may require additional or more stringent regulations in order to be in full compliance with the controlling state and federal statutes, regulations, and permits, and in order to protect their residents from threats of flooding and flooding related damage;

WHEREAS, the New Jersey Department of Community Affairs is considering proposed regulations that would further curtail a municipality’s ability to protect its residents from the threat of flooding and flood related damage;

NOW THEREFORE, BE IT RESOLVED by the Governing Body Of The City Of Lambertville, In The County Of Hunterdon, In The State Of New Jersey, that it supports regulations that provide flexibility to municipalities to adopt additional and/or more stringent stormwater regulations, in order to allow municipalities to protect its residents from threats of flooding and flood damage;

BE IT FURTHER RESOLVED, that the Governing Body Of The City Of Lambertville, In The County Of Hunterdon, In The State Of New Jersey, opposes the continuation of any Residential Site Improvement Standard regulations that would limit a municipality’s ability to establish more protective flood prevention and stormwater management regulations than the model ordinances promulgated by the NJDEP; and

BE IT FURTHER RESOLVED, that the Governing Body Of The City Of Lambertville, In The County Of Hunterdon, In The State Of New Jersey, requests the Governor and the state legislature take action to ensure that the Residential Site Improvement Standards do not limit a municipality’s ability to protect its residents from the threat of flooding; and

BE IT FURTHER RESOLVED, that the Governing Body Of The City Of Lambertville, In The County Of Hunterdon, In The State Of New Jersey, requests the NJDEP to take whatever legal action available to ensure that a municipality’s ability to protect its residents from flooding is not in any way impeded or restricted.

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RESOLUTION NUMBER 97-2022: A Resolution to Authorize the Discharge of Mortgages for 88 South Main Street, Block 1049, Lot 1 in the following amounts: 2005: \$28,725.00, 2005: \$12,983.00, 2019: \$23,840.00.

RESOLUTION NUMBER 97-2022

A Resolution to Authorize the Discharge of Mortgages for 88 South Main Street, Block 1049, Lot 1 in the following amounts: 2005: \$28,725.00, 2005: \$12,983.00, 2019: \$23,840.00.

WHEREAS, Joyce Fry applied for and received the following mortgages from the city's CBDG Small Cities Grants: 2005 in the amount of \$28,750.00, 2005 in the amount of \$12,983.00 and in 2019 in the amount of \$23,840.00; and

WHEREAS, as per the agreement, when the property is sold, the grant is repaid to the City of Lambertville; and

WHEREAS, the property was sold and all three grants were paid in full on May 23, 2022.

NOW THEREFORE BE IT RESOLVED by the governing body of the City of Lambertville that the Mayor, City Attorney and City Clerk are hereby authorized to file the discharge of mortgage for each of the three mortgages for the property known as 88 South Main Street, Block 1049, Lot 1 for the following grants: 2005: \$28,725.00, 2005: \$12,983.00, 2019: \$23,840.00.

ADOPTED: June 16, 2022

RESOLUTION NUMBER 98-2022: A Resolution to Approve the Alcoholic Beverage Control Licenses for the 2022-2023 Term.

RESOLUTION NUMBER 98-2022

A Resolution to Approve the Alcoholic Beverage Control Licenses for the 2022-2023 Term

WHEREAS, application has been received from the following establishments for renewal of the Alcoholic Beverage License currently held by them for premises located in the City of Lambertville, New Jersey:

Establishment	License Number	Type
Boat House Inc. The	1017-32-006-003	Plenary Retail Consumption License with Broad Package Privilege
Lambertville Lodge 1070 BPO Elks	1017-31-015-001	Club License
Bluestone Building LLC	1017-33-003-005	Plenary Retail Consumption License
ETZ Food Inc. DBA Bell's Tavern	1017-33-002-006	Plenary Retail Consumption License
LV House LLC DBA	1017-33-008-009	Plenary Retail Consumption License

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Lambertville House		
TJ's of Hopewell	1017-33-005-009	Plenary Retail Consumption License
Mitchell's Café Inc.	1017-33-004-004	Plenary Retail Consumption License
Swan Hotel The	1017-33-009-002	Plenary Retail Consumption License
LSRI Operations LLC	1017-33-007-005	Plenary Retail Consumption License
Toscanni Post 120 American Legion	1017-31-012-001	Club License
Irish Diplomat LLC DBA Walker's Wine & Spirits, Inc.	1017-44-010-007	Plenary Retail Distribution License
Wonderful World of Wines LLC	1017-44-011-005	Plenary Retail Distribution License
Under the Moon Foods LLC	1017-33-006-006	Plenary Retail Consumption License

WHEREAS, the City Clerk has received the Alcoholic Beverage Retail License Clearance Certificate for each entity, and

WHEREAS, the Clerk received authorization from the Police Department to issue and has not received a written objection to the renewal of these licenses from the members of the public.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey, that the above licenses be renewed for the 2022-2023 license year upon completion of the requirements as outlined by the Attorney General's Office and the City Clerk is hereby directed to upload a certified copy of this Resolution to the State of New Jersey, Division of Alcoholic Beverage Control, Department of Law and Public Safety, for processing.

BE IT FURTHER RESOLVED that the City Clerk be authorized to issue the 2022-2023 licenses to the proper holder prior to the effective date of July 1, 2022.

RESOLUTION NUMBER 99-2022: A Resolution Requesting \$76,320.00 from the Lambertville Municipal Utility Authority, Pursuant to P.L. 2204, c. 87

RESOLUTION 99-2022

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*A Resolution Requesting \$76,320.00 from the Lambertville Municipal Utility Authority,
Pursuant to P.L. 2204, c. 87*

WHEREAS, P.L. 2204, c. 87 established a formal procedure for local authorities to transfer funds to their creating government agency; and

WHEREAS, the Lambertville Municipal Utility Authority was created by the governing body of the City of Lambertville; and

WHEREAS, N.J.S.A., 40A:5A-12.1 in part states:

“To the extent there is available an undesignated fund balance or unreserved retained earnings by (a covered authority) ... an amount in that undesignated fund balance or unreserved retained earnings, not to exceed 5% of the annual costs of operation of the authority may be appropriated for use in the local budget of the municipal or county that created the authority unless otherwise restricted by bond covenants;” and

WHEREAS, the law required payments to the municipality shall be made no later than 30 days prior to the close of the municipality fiscal year, or anytime sooner as made by mutual agreement; and

WHEREAS, the City of Lambertville has anticipated the Lambertville Municipal Utility Authority appropriation of \$76,320.00 as a Special Item of Revenue in the proposed 2022 municipal budget.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey does hereby request that the Lambertville Municipal Utility Authority transfer \$76,320.00 to the City of Lambertville.

ADOPTED: June 16, 2022

RESOLUTION NUMBER 100-2022: A Resolution to Authorize the Insertion of a Special Item of Revenue (Chapter 159) ANJEC Grant in the amount of \$1,500.00 in the 2022 Budget.

RESOLUTION NUMBER 100-2022

RESOLUTION REQUESTING THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159 P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of local Finance may approve the insertion of any special item if revenue in the budget of any County or Municipality when such item have been made available by Law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount.

WHEREAS, the Chief Financial Officer has certified that the City has received a grant in the amount of \$1,500.00 for Association of NJ (ANJEC) 2022 Open Space Stewardship

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NOW THEREFORE, BE IT RESOLVED that the City of Lambertville hereby requests the Director of Division of Local Finance to approve the insertion of an item of revenue in the 2019 CY Budget in the amount of \$1,500.00 which item is now available as revenue from the receipt of the Association of NJ (ANJEC) 2022 Open Space Stewardship

BE IT FURTHER RESOLVED that a like sum of \$1,500.00 is hereby appropriated under the caption of:

OPERATIONS "EXCLUDED FROM CAP"

Association of NJ (ANJEC) 2022 Open Space Stewardship

BE IT FURTHER RESOLVED that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval, with a copy of the letter awarding the Grant.

ADOPTED: June 16, 2022

RESOLUTION NUMBER 101-2022: A Resolution to Authorize the Extension of the Contract with the ACME Screening Room for the Film Services at the Justice Center for 1-Year, Expiring August 31, 2023.

RESOLUTION NUMBER 101-2022

A Resolution to Authorize the Extension of the Contract with the ACME Screening Room for the Film Services at the Justice Center for 1-Year, Expiring August 31, 2023.

WHEREAS, the City of Lambertville would like to extend the contract with the ACME Screening Room for the Film Series at the Justice Center for one additional year, and

WHEREAS, the agreement includes the provision for monthly rent which was deferred due to the flood damage from Hurricane Ida, and

WHEREAS, the Phillip L. Pittore Justice Center was cleaned and renovated with a re-opening date of January 1, 2022.

NOW THEREFORE BE IT RESOLVED by the governing body of the City of Lambertville in the County of Hunterdon, in the State of New Jersey, that the contract with the ACME Screening Room is hereby extended by one addition year, expiring on August 31 of 2023; and

BE IT FURTHER RESOLVED that the monthly rental fee of \$300.00 is hereby reinstated.

ADOPTED: June 16, 2022

RESOLUTION NUMBER 102-2022: A Resolution Authorizing the Redemption of a Tax Lien for Block 1004, Lot 3, Certificate Number 21-0001, In the Amount of \$49,953.60, Plus a Premium in the Amount of \$95,000.00

RESOLUTION NUMBER 102-2022

A Resolution Authorizing the Redemption of a Tax Lien for Block 1004, Lot 3 In the Amount of \$49,953.60, Plus a Premium in the Amount of \$95,000.00

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WHEREAS, Tax Lien Certificate 21-00001 issued on Block 1004 Lot 3 was sold to FIG CUST FIGNJ19LLC & SEC PTY PO BOX 54226, New Orleans, LA 70154 on 12/14/2021 and

WHEREAS, payment has been received by the Tax Collector for redemption of the tax lien from the 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 FIG CUST FIGNJ19LLC & SEC PTY PO BOX 54226, New Orleans, LA 70154 for tax lien certificate #21-00001 in the amount of: \$49,953.60

In addition, the city is holding a premium in the amount of \$95,000.00 and upon redemption this is due back to the lienholder.

2 checks for the lienholder –
Check 1= \$49,952.60
Check 2= for premium= \$95,000.00

ADOPTED: June 16, 2022

RESOLUTION NUMBER 103-2022: A Resolution Authorizing the Refund of Payment for the Purchase of Bulk Garbage Permits to Susan Bruder in the amount of \$50.00, Lon Freeman double payment for garbage in the amount of \$15.00; Doug Graiver for a double payment for garbage in the amount of \$35.00; Kevin Fernandez in the amount of \$40.00, Katherine Ent in the amount of \$50.00

RESOLUTION NUMBER 103-2022

A Resolution Authorizing the Refund of Payment for the Purchase of Bulk Garbage Permits to Susan Bruder in the amount of \$50.00, Lon Freeman double payment for garbage in the amount of \$15.00; Doug Graiver for a double payment for garbage in the amount of \$35.00; Kevin Fernandez in the amount of \$40.00, Katherine Ent in the amount of \$50.00

NOW THEREFORE BE IT RESOLVED by the governing body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the following refunds for Bulk Garbage Permits are hereby authorized:

*Susan Bruder in the amount of \$50.00,
Lon Freeman double payment for garbage in the amount of \$15.00;
Doug Graiver for a double payment for garbage in the amount of \$35.00;
Kevin Fernandez in the amount of \$40.00,
Katherine Ent in the amount of \$50.00*

ADOPTED: June 16, 2022

RESOLUTION NUMBER 104-2022: A Resolution to Authorize the Refund of a Construction Permit to Professional Tank & Environmental in the amount of \$82.00.

RESOLUTION NUMBER 104-2022

A Resolution to Authorize the Refund of a Construction Permit to Professional Tank & Environmental in the amount of \$82.00.

NOW THEREFORE BE IT RESOLVED by the governing body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the following refund for a construction permit to Professional Tank & Environmental in the amount of \$82.00 is hereby authorized.

ADOPTED: June 16, 2022

RESOLUTION NUMBER 105-2022: *A Resolution to Authorize the Refund for Deposits to Use City Parks to the following: Caio Jordao, Switchblade Entertainment – request was not approved, but they paid the fees, in the amount of \$275.00; Elizabeth Miner in the amount of \$250.00; Chelsea Reid in the amount of \$250.00; Anthony Costello in the amount of \$250.00*

RESOLUTION NUMBER 105-2022

A Resolution to Authorize the Refund for Deposits to Use City Parks to the following: Caio Jordao, Switchblade Entertainment in the amount of \$275.00; Elizabeth Miner in the amount of \$250.00; Chelsea Reid in the amount of \$250.00; Anthony Costello in the amount of \$250.00

NOW THEREFORE BE IT RESOLVED by the governing body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the following refund of deposits collected for the use of city parks and playgrounds is hereby authorized:

Caio Jordao, Switchblade Entertainment in the amount of \$275.00;

Elizabeth Miner in the amount of \$250.00;

Chelsea Reid in the amount of \$250.00;

Anthony Costello in the amount of \$250.00

ADOPTED: June 16, 2022

RESOLUTION NUMBER 106-2022: *A Resolution Requesting the Insertion of a Special Item of Revenue in the Budget of Any County or Municipality Pursuant to N.J.S.A. 40A:4-87 (Chapter 159 P.L. 1948), for the Clean Communities Grant in the Amount of \$10,454.69.*

RESOLUTION REQUESTING THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159 P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of local Finance may approve the insertion of any special item if revenue in the budget of any County or Municipality when such item have been made available by Law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount.

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WHEREAS, the Chief Financial Officer has certified that the City has received a grant in the amount of **\$10,454.69 for Clean Communities Grant.**

NOW THEREFORE, BE IT RESOLVED that the City of Lambertville hereby requests the Director of Division of Local Finance to approve the insertion of an item of revenue in the 2018 CY Budget in the amount of **\$10,454.69** which item is now available as revenue from the receipt of the **Clean Communities Grant.**

BE IT FURTHER RESOLVED that a like sum of **\$10,454.69** is hereby appropriated under the caption of:

OPERATIONS "EXCLUDED FROM CAP"

Clean Communities Grant \$10,454.69

BE IT FURTHER RESOLVED that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval, with a copy of the letter awarding the Grant.

RESOLUTION NUMBER 107-2022: Resolution to Authorize the S&W for Construction Services Provided to the Borough of Frenchtown for 2022.

RESOLUTION NUMBER 107-2022

A Salary & Wage Resolution for the Shared Services Agreement with the Borough of Frenchtown for Construction Services

WHEREAS, the City of Lambertville serves as the lead agency for Construction Services with the Borough of Frenchtown and salary & wage is due to Construction, Electric, Plumbing and Fire Subcode Officials for the work completed in 2022.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the following Salary and Wage Payments is hereby authorized:

Tim Dieterman, Plumbing Subcode Official:	\$5,000
Keith Steele, Electric Subcode Official	\$5,000
Robert Vanderburg, Electric Subcode Official	\$5,000
Ken Rogers, Construction Official	\$25,000
Ken Rogers, Building Subcode Official	\$20,000
Ken Rogers, Fire Subcode Official	\$10,000

BE IT FURTHER RESOLVED that the total salary amount for Frenchtown Construction Services will not exceed the \$65,000.00 appropriated in the 2022 budget.

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ADOPTED: June 16, 2022

RESOLUTION NUMBER 108-2022: *Resolution to Amend the Contract with Suburban Consulting Engineer for Repairs to the City's Infrastructure in an Amount Not to Exceed \$99,100.00 and for the Repairs to the Waterways for the USDA Grant in an Amount Not to Exceed \$121,900.00*

RESOLUTION NUMBER 108-2022

Resolution to Amend the Contract with Suburban Consulting Engineer for Repairs to the City's Infrastructure in an Amount Not to Exceed \$99,100.00, and for the Repairs to the Waterways for the Grant in the Amount of \$121,900.00

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 contract with Suburban Consulting Engineers, Inc. is hereby amended to include the following:

- *Repairs to the City's Infrastructure in an amount not to exceed: \$99,100.00: (Arnett Avenue & N. Main: \$28,100.00, Washington Street: \$15,350.00, Catch Basins: \$4,150.00, Perm Restoration/Winter Repairs: \$11,550.00, Quarry Street: \$11,850.00, Various Roadways: \$13,950.00, Curbing, Sidewalks, Grants Alley, N. Franklin: \$14,150.00) Note: partially funded through FEMA and NJDOT*
- *Repairs to the waterways for the grant from the USDA funded through Ordinance Number 2021-31 in an amount of \$121,900.00; Note: partially funded through the USDA Grant*

ADOPTED: June 16, 2022

RESOLUTION NUMBER 109-2022: *A Resolution to Authorize the City Clerk to Submit the Application for an Expansion of premises of the ABC License for Bluestone Building LLC, 54 N. Franklin Street*

RESOLUTION NUMBER 109-2022

A Resolution to Authorize the Expansion of Premise, Place-to-Place to Permit the Serving of Alcohol on the Patio for the ABC License Number 1017-33-003-005, Bluestone Building, LLC, 54 North Franklin Street

WHEREAS, Bluestone Building, LLC submitted an application for the expansion of the premises, place-to-place to permit the serving of alcohol on the patio at 54 North Franklin Street; and

WHEREAS, the applicant advertised the application in the June 2, 2022 and June 9, 2022 edition of the Trenton Times.

WHEREAS, the City Clerk has reported that she has not received any public comment or complaint regarding the application.

NOW THEREFORE BE IT RESOLVED by the governing body of the City of Lambertville, in the County of Hunterdon, State of New Jersey, that the City Clerk is hereby authorized to submit the application filed by Bluestone Building, LLC, located at 54 North Franklin Street for expansion of the license, place-to-place to permit the serving of alcohol to the outdoor patio.

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ADOPTED: June 16, 2022

RESOLUTION NUMBER 110-2022: A Resolution to Amend Resolution Number 85-2022, Authorizing the Change Order (1) for Arnett Avenue Culvert Repair with J.J. Fletcher Creamer & Son, Inc. in an Amount Not to Exceed \$19,539.00 with an Allowance for Engineering Services in an Amount Not to Exceed \$10,000.00

RESOLUTION NUMBER 110-2022

A Resolution to Correct Resolution Number 85-2022, to Authorize Change Order 1 for the 1 Arnett Avenue Culvert Repair with J. J. Fletcher Creamer & Son, Inc. in An Amount Not to Exceed \$19,539.00 and with an Allowance for Engineering Services in an Amount Not to Exceed \$10,000.00

WHEREAS, J. Fletcher Creamer & Son, Inc., were awarded a contract on February 19, 2022 to complete the repairs at 1 Arnett Avenue caused by Hurricane Ida; and

WHEREAS, the property owner of 1 Arnett Avenue requested a delay in the project to April 1, 2022; and

WHEREAS, the City discovered changes to the contracted scope of work limits from unauthorized work attempted by the owner; and

WHEREAS, the City Engineer has reviewed the project and has recommended the change order, which exceeds the allowable 20% during the public contracts law of the State of New Jersey; and

WHEREAS, the contractor, J. Fletcher Creamer & Son, Inc., has submitted a quote in the amount of \$29,539.00, for Change Order 1, bringing the total contract amount to \$115,924.00; and

WHEREAS, this quote includes an amount of \$10,000 for structural engineering on-site analysis and design as provided by the contractor, and

WHEREAS, the CMFO has certified funds are available in Ordinance Number 31-2022.

NOW THEREFORE BE IT RESOLVED by the governing body of the City of Lambertville, in the County of Hunterdon, State of New Jersey, that the following contracts are here by amended to include:

J. Fletcher Creamer & Son, Inc., in the amount of \$29,539.00; and

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to advertise the award of contracts in the official newspaper of the City of Lambertville; and

BE IT FURTHER RESOLVED that the Mayor, City Attorney and City Clerk are hereby authorized to execute the contracts.

ADOPTED: June 16, 2022

RESOLUTION NUMBER 111-2022: A Resolution to Authorize the Memorandum of Agreement between the City of Lambertville, the Township of West Amwell and the Lambertville Municipal Utility Authority for the Sharing of Equipment.

RESOLUTION NUMBER 111-2022

A Resolution to Authorize the Memorandum of Agreement between the City of Lambertville, the Township of West Amwell and the Lambertville Municipal Utility Authority for the Sharing of Equipment.

NOW THEREFORE BE IT RESOLVED by the governing body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the Mayor, City Attorney and City Clerk are hereby authorized to sign the Memorandum of Agreement for the shared equipment with the Township of West Amwell and the Lambertville Municipal Utilities Authority.

ADOPTED: June 16, 2022

RESOLUTION NUMBER 112-2022: A Resolution to Accept the Donation of a Bicycle Repair Device.

RESOLUTION NUMBER 112-2022

A Resolution to Accept the Donation of a Bicycle Repair Device to be Placed between the Sidewalk and Union Street

WHEREAS, members of Bike Lambertville would like to donate a bicycle repair device to be placed by the North Union Street Park between the sidewalk and the road; and

WHEREAS, the members of the Parks and Recreation Commission reviewed and accepted this request.

NOW THEREFORE BE IT RESOLVED by the governing body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the donation of a Bicycle Repair Device at the North Union Street Park to be placed between the sidewalk and Union Street, made by Bike Lambertville, is hereby authorized.

ADOPTED: June 16, 2022

RESOLUTION NUMBER 113-2022: A Resolution to Authorize the Refund of Fees for the Notice Requirement of an Application in Front of the Planning Board in An Amount Not to Exceed \$305.83, Due to A Clerical Error.

RESOLUTION NUMBER 113-2022

A Resolution to Authorize the Refund of Expenses Incurred for the Mailing for a Public Hearing Due to a Clerical Error

Whereas, due to a clerical error, the public hearing for an application before the Planning Board for 7 Delevan Street was canceled causing the applicant to renotice for the public hearings; and

Whereas, at the February 18, 2021 session, the Governing Body authorized the City Attorney to draft a policy which includes an approval by resolution of the Governing Body.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the following reimbursement is hereby authorized: William Barish, 7 Delevan Street, for a variance application before

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the Planning Board with a failed public hearing in December of 2021 and January of 2022, in an amount not to exceed \$305.83.

ADOPTED: June 16, 2022

RESOLUTION NUMBER 114-2022: A Resolution to Authorize the Reimbursement of the Fee for Summer Camp to Amanda Onuskanich for the Last Week of July in an Amount Not to Exceed \$280.00.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the reimbursement to Amanda Onuskanich for the last week of summer camp for two children in the amount of \$280.00 is hereby authorized.

ADOTPED: June 16, 2022

RESOLUTION NUMBER 115-2022: A Resolution to Authorize the Sale of Public Property To Members of the Public Via a Yard Sale

RESOLUTION NUMBER 115-2022

WHEREAS, the City of Lambertville has accumulated furniture and other types of products since 1950 which have been stored in the attic and basement of City Hall; and

WHEREAS, the Mayor has organized a volunteer effort on Saturday, June 18 with members of the public volunteering to clean-up City Hall; and

WHEREAS, there are some items that members of the public may wish to purchase and they include: high top tables purchased during COVID, Wooden Chairs, Tables, book shelves, an old hospital bed, baby shoes, blankets, and

WHEREAS, the City will host a yard sale of these items for members of the public to purchase.

WHEREAS, items that are not sold at the yard sale will be grouped together in one lot and sold via public auction or will be placed in the trash.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the Mayor and City Clerk are hereby authorized to clean-up City Hall and remove old broken items and/or sell property that is no longer needed for public use.

ADOPTED: June 16, 2022

VIII. **BILLS LIST**

IX. **ORDINANCES FIRST READING/INTRODUCTION**

- a. **ORDINANCE NUMBER 17-2022: An Ordinance Amending Certain Sections, As Specified Below, of the City of Lambertville Land Development Review Ordinance, Article XII Affordable Housing, Section LDR-1200, "Affordable Housing Ordinance," to Address the**

Requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) Regarding Compliance with the City's Affordable Housing Obligations.

Ordinance Number 17-2022
Amendments to the Affordable Housing Ordinance
City of Lambertville, Hunterdon County

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

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

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

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

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

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

WHEREAS the New Jersey Legislature itself affirmed this commitment when it enacted the Fair Housing Act of 1985, which established that it is in the State's interest "to maximize the number of low and moderate units by creating new affordable housing and by rehabilitating existing, but substandard, housing in the State." N.J.S.A. 52:27D-302; and

WHEREAS accordingly, the New Jersey Supreme Court has determined that "[a]ffordable housing is a goal that is no longer merely implicit in the notion of the

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general welfare. It has been expressly recognized as a governmental end and codified under the FHA.” Holmdel Builders Ass’n v. Holmdel. 121 N.J. 550, 567 (1990).

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

SECTION 1: SECTION LDR-1200.6. shall be amended to read as follows (additions in **bold** and deletions in ~~strikethrough~~):

Section LDR-1200.6 City-wide Mandatory Set-Aside

1. Purpose. The purpose of this mandatory affordable housing set-aside ordinance is two-fold:
 - a. One, ensure that multi-family residential development or combined multi-family residential/non-residential development, providing a minimum of five (5) new housing units at a density of six (6) or more units per acre that results from a rezoning, variance, redevelopment plan, rehabilitation plan, or other zoning or land use incentive produces affordable housing at an appropriate set-aside rate of twenty percent (20%), consistent with applicable law; and
 - b. Two, ensure consistent with the New Jersey Supreme Court’s directives in Mount Laurel II, that opportunities for affordable housing are captured as land becomes available for development and redevelopment (including as a result of private acquisition or assembly of a tract, fires and the resulting demolition of structures, and redevelopment, either public or private) within the boundaries of the City, which has an unmet need obligation, see S. Burlington Cty. NAACP v. Mount Laurel, 92 N.J. 158, 248 n.21 (1983) (Mount Laurel II) and the Court’s decision with regards to the initial Fairness and Compliance Hearing held before the Court on September 13, 2018 and the Consent Order Approving Amended Settlement and Agreement and Conditional Judgment of Mount Laurel Compliance and Repose entered June 23, 2020, in In the Matter of the City of Lambertville, County of Hunterdon, Docket No. HNT-L-311-15.
2. Applicability of Mandatory Affordable Housing Set-Aside. This mandatory affordable housing set-aside ordinance shall apply as follows:
 - a. A minimum affordable housing set-aside of 20% shall be required to be included within a development, except as noted herein, throughout

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the entirety of the municipality when a multi-family residential, or combined multi-family residential/non-residential development, providing a minimum of five (5) new housing units at a density of six (6) or more units per acre, is created through:

- (i) a municipal rezoning permitting multi-family housing where not previously permitted; or
- (ii) the granting of a “D” variance pursuant to NJS 40:55D-70.d (e.g., use variance, density variance); or
- (iii) a new or amended redevelopment plan or rehabilitation plan.

b. Within the lands **bound** between the Delaware River **to the west, the municipal boundary to the south, and the lands to the east bound by eastern right-of-way of N.J.S.H. Route 29, the eastern right-of-way of Route 165, the eastern right-of-way of N.J.S.H. Route 179, Washington Street between N.J.S.H. Route 179 and York Street, the eastern right-of-way of North Franklin Street, the southern lot line of Block 1002, Lot 43 (Ely Field), the eastern right-of-way of North Main Street (N.J.S.H. Route 29), and the municipal boundary to the north, and also including the tax lots between North Franklin Street and where York Street intersects with Washington Street (Block 1002, Lots 58 through 63), and the tax lots immediately east of North Franklin Street between York Street and Block 1002, Lot 43 (Ely Field) (Block 1002, Lots 45.01, 45.02, and 46 through 57), any residential development, except as noted herein, providing a minimum of five (5) new housing units at a density of six (6) or more units per acre that requires site plan or subdivision approval shall provide a minimum affordable housing set-aside of 20%, to be included within the development.**

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

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

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

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- a. All subdivision and site plan approvals of qualifying developments identified in §1200-6.2.a and §1200-6.2.b shall be conditioned upon compliance with the provisions of this mandatory affordable housing set-aside ordinance.
- b. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. A developer may not, for example, subdivide a project into two lots and then plan each of them to produce a number of units just below the threshold.
- c. In the event the number of affordable housing units to be provided includes a fraction, the number shall be rounded up if the fractional amount is 0.5 or greater and rounded down if the fractional amount is less than 0.5. The developer shall provide a payment in lieu of constructing affordable units for the fraction of a unit less than 0.5.
- d. All affordable units created shall fully comply with Chapter LDR Land Development Review, Article XII Affordable Housing, Sections LDR-1200.7 through LDR-1200.25.
- e. This requirement shall not give any developer the right to any such rezoning, variance, redevelopment designation or redevelopment or rehabilitation plan approval, or any other such relief, or establish any obligation on the part of the City to grant such rezoning, variance, redevelopment designation, redevelopment or rehabilitation plan approval, or other such or further relief.
- f. No developer may make a payment in lieu of constructing affordable units on site, except for fractional units as noted in Paragraph c, above.

SECTION 2: A copy of this ordinance shall be referred to the Lambertville Planning Board following its introduction for review pursuant to N.J.S.A. 40A:55D-26A.

SECTION 3: If any article, section, paragraph, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect and shall be deemed valid and effective.

SECTION 4: In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the City of Lambertville, the provisions hereof shall be determined to govern and those inconsistent provisions shall be repealed to the extent of such inconsistency.

SECTION 5: This ordinance shall take effect upon its passage and publication, filing with the Hunterdon County Planning Board, and as otherwise provided for by law.

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SECTION 6. The provisions of this Ordinance shall be applicable within the entire City of Lambertville upon final adoption and shall become a part of the Lambertville Code once completed and adopted.

FIRST READING AND INTRODUCTION: June 16, 2022
SECOND READING AND PUBLIC HEARING: July 21, 2022

- b. ORDINANCE NUMBER 18-2022: An Ordinance Amending Certain Sections, As Specified Below, of the City of Lambertville Zoning Ordinance to Encourage Economic Development and Investment in the Central Business District Zone.

ORDINANCE NUMBER 18-2022
Amendments to the Zoning Ordinance
City of Lambertville, Hunterdon County

AN ORDINANCE AMENDING CERTAIN SECTIONS, AS SPECIFIED BELOW, OF THE CITY OF LAMBERTVILLE ZONING ORDINANCE TO ENCOURAGE ECONOMIC DEVELOPMENT AND INVESTMENT IN THE CENTRAL BUSINESS DISTRICT ZONE

WHEREAS, the City should think about diversifying the permitted uses within its commercial districts so that consumers on all levels – residents, daytime employees and visitors – have a number of options to fulfil their needs; and

WHEREAS, parking requirements were also identified as a finite resource within the City and often the reason applications for new businesses end up in front of a Board; and

WHEREAS, the City Council wants to revise the parking requirements within the commercial zones to help promote economic development; and

WHEREAS, the City Council authorized the City Planner to prepare ordinance amendments based on the feedback received at the roundtables and information received from City officials; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Lambertville that the Zoning Ordinance of the City of Lambertville shall be amended as shown as follows:

SECTION 1. Article IV “Zoning”, Section Z-406.3 “Conditional Uses” within the Central Business District (CBD) of the Zoning Ordinance is hereby amended as shown with new text **bold underlined** and text for deletion in ~~strikeout~~:

The following conditional uses may be permitted in the Central Business District:

- A. Apartment use conforming to the criteria of §406.8 and §517.
- B. Structured parking conforming to the criteria of §406.9 and §517.
- C. Taverns and bars conforming to the criteria of §406.10 and §517.
- D. Conversion of second floor and higher floors to non-residential use provided that the gross floor area of the building shall be not less than 1,800 square feet and the criteria of §517 are met.
- E. Cannabis retailer conforming to the criteria of §406.13 and §517.
[Added 7/22/21, Ordinance # 16-2021].
- F. **Accessory apartments confirming to the criteria of §406.14.**

SECTION 2. Article IV “Zoning”, Section Z-406.7 “Off-Street Parking and Loading Requirements” within the Central Business District (CBD) of the Zoning

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Ordinance is hereby amended as shown with new text **bold underlined** and text for deletion in ~~strikeout~~:

§ Z-406.7 Off Street Parking and Loading Requirements.

- A. Residential Uses. 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. Non-residential Uses. New non-residential use shall be required to provide off-street parking spaces in accordance with the Schedule of Required Off-Street Parking Facilities, § Z-406.7~~ED~~, when the following occurs:
1. The proposed use involves the construction of new buildings or additions exceeding one-third of the gross square footage of the existing building.
 2. Public assembly spaces exceeding 75 seats.
 3. The change of use results in a net increase of fifteen (15) or more parking spaces.
- C. **Change in Use. Change of use applications for residential, non-residential, or a combination of the two that result in a net increase of fifteen (15) or more parking spaces shall be required to provide off-street parking spaces for those spaces in excess of the net increase of fifteen (15) spaces that would be generated by the change of use.**
- ~~ED~~. Schedule of Required Off-Street Parking Facilities. The following parking schedule shall be used to calculate the required number of parking spaces per use, as necessary. Unless otherwise noted, the calculation shall be based upon the gross square footage of the floor area of the use. Where the calculation results in a fraction of a space, the required number of parking spaces shall be rounded to the next highest whole number. Where more than one permitted use is allowed within the district, the requirement for parking spaces shall be the sum of the individual uses computed separately.
4. Retail and personal sales and service: one space per 300 square feet.
 5. General and professional offices, excepting medical and dental offices: one space per 300 square feet.
 6. Medical and dental offices: one space per 250 square feet.
 7. Restaurants and luncheonettes: one space per three seats.
 8. Taverns and bars: one space per two seats. Where individual seats are not provided, each 24 inches of counter shall constitute one seat.
 9. Funeral homes shall provide at least six spaces for each viewing room.
 10. Hotels, motels and inns: one space per room.
 11. Artist galleries and antique stores, excepting cooperative spaces: one space per 600 square feet.
 12. Cooperatives: three spaces per exhibit area.
 13. Religious use, excepting residential: one space for each five seats. Where individual seats are not provided, each 21 inches of bench or pew shall be considered one seat.
 14. Public Assembly: one space for each five seats.
 15. Theatre: one space for each three seats.
 16. Commercial recreation, indoor: one space for each 400 square feet, excepting bowling alleys which shall provide four spaces per lane.
 17. Commercial recreation, outdoor: Sufficient space shall be provided to prevent parking in fire lanes or parking aisles as reasonably determined by the approving authority.
 18. Other uses not specifically identified: one space per 300 square feet.
- ~~DE~~. Required Loading.

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19. Each business or service establishment shall have access to a loading and unloading space within 300 feet of the premises. An adequate guarantee shall be provided that establishes a right to the loading and unloading use, unless such space is provided by a public entity.
20. Business or service establishments occupying a lot of 15,000 square feet or larger shall provide off-street loading and unloading space on the premises. Each off-street loading area shall be a minimum of 12 feet by 35 feet. The loading area shall be so arranged to avoid impairment to the circulation system of parking spaces, parking aisles, points of ingress and egress, and streets.

EF. The design standards of § 509 shall apply to all off-street parking and loading areas.

FG. Location of Parking. Required off-street parking may be supplied off-tract provided the following criteria are met:

21. The off-tract parking shall not provide required parking for any other use.
22. An adequate guaranty that establishes a right to the use of the off-tract parking shall be provided.
23. The off-tract parking is located within the following distances from the premises in question:
 - a. Senior citizen residential use: 150 feet.
 - b. Other residential use: 300 feet.
 - c. Non-residential use: 600 feet.

SECTION 3. Article IV “Zoning”, Section Z-406.14 of the City Code shall be created to identify the standards for the Accessory Apartment conditional use within the Central Business District. Section Z-406.14, “Conditions of Accessory Apartment” in Chapter Z, “Zoning” of the City Code is hereby created to read as follows:

§Z-406.14 Conditions for Accessory Apartments

- A. The apartment shall be occupied only by a low and moderate income household as defined by N.J.A.C. 5:93-1.3.
- B. The apartment shall conform to the requirements for maximum rent level in N.J.A.C. 5:93-5.9(a)3.
- C. The apartment shall be affirmatively marketed in accordance with N.J.A.C. 5:93-11.
- D. Controls on the affordability of the accessory apartment shall remain in effect for a minimum of ten (10) years in accordance with N.J.A.C. 5:93-5.9(e), as may be amended or superseded.
- E. No accessory apartment shall be permitted within a basement or a cellar as defined in Article II, §Z-201. An accessory apartment shall be permitted on the first floor of a building; however, the habitable room area, as defined in §Z-201, for said unit shall not occupy more than 50% of the first floor area as measured from the rear wall of the building, exclusive of common hallways providing access to said unit. No portion of the habitable room area shall be permitted within the front areas of the first floor as measured from the front wall of the building, that being the wall facing a public street within the CBD Zone.
- F. Only one (1) accessory apartment per lot shall be permitted.
- G. Each accessory unit shall comply with the minimum unit size requirements for Neighborhood Preservation Balanced Housing Program (N.J.A.C. 5:43 et seq.)
- H. Each accessory apartment shall have direct access to the exterior of the building.

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SECTION 4: Referral to Planning Board. Following introduction and prior to adoption, the Clerk shall cause a copy of this ordinance to be referred to the City of Lambertville Planning Board for review pursuant to *N.J.S.A. 40:55D-26*.

SECTION 5: Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

SECTION 6: Severability. 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 section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be valid and enforceable.

SECTION 7: Effective Date. This ordinance shall take effect twenty days from the date of its adoption and upon filing with the Hunterdon County Planning Board, as required pursuant to *N.J.S.A. 40:69A-181* and *N.J.S.A. 40:55D-16*.

FIRST READING AND INTRODUCTION: June 16, 2022
Referred to Planning Board: July 6, 2022
Second Reading and PUBLIC HEARING: July 21-2022

ORDINANCE NUMBER 19-2022: *An Ordinance Of The City Of Lambertville In Hunterdon County, New Jersey Amending Chapter 16 Of The City Code Entitled "Cannabis" And Amending The Land Use Regulations To Permit The Operation Of Class 5 Cannabis Retailer License Without Consumption Area And Prohibit Classes 1, 2, 3, 4 And 6 Of Cannabis Licensed Establishments Within The City And Amending Chapter 15 To Establish A Cannabis Transfer Tax; Amending And Restricting Two Of The Four Licenses To Microbusinesses*

ORDINANCE NO. 19-2022

**AN ORDINANCE OF THE CITY OF LAMBERTVILLE
IN HUNTERDON COUNTY, NEW JERSEY
AMENDING CHAPTER 16 OF THE CITY CODE
ENTITLED "CANNABIS" AND AMENDING THE
LAND USE REGULATIONS TO PERMIT THE
OPERATION OF CLASS 5 CANNABIS RETAILER
LICENSE WITHOUT CONSUMPTION AREA AND
PROHIBIT CLASSES 1, 2, 3, 4 AND 6 OF CANNABIS
LICENSED ESTABLISHMENTS WITHIN THE CITY
AND AMENDING CHAPTER 15 TO ESTABLISH A
CANNABIS TRANSFER TAX; AMENDING AND
RESTRICTING TWO OF THE FOUR LICENSES TO
MICROBUSINESSES**

WHEREAS, the City of Lambertville, through a public process, introduced and adopted Ordinance Number 16-2021 that allows for retail sale of Cannabis; and

WHEREAS, the governing body of the City of Lambertville is amending the Ordinance as follows:

§16-12 Maximum Number of Permits.

- A. Number. The maximum number of permits in the City for Class 5 Cannabis Retailer licensed under CREAMMA, shall be four (4).
- B. Preference. The City has a preference requirement for two (2) of the four (4) Class 5 Cannabis Retailer licenses to be issued to microbusinesses.

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- C. A Permittee or entity may not hold more than one cannabis retailer permit within the City.
- D. Location of Permits.

Class 5 Cannabis Retailer(s) shall comply with the City's Zoning Ordinance and shall be allowed in the following districts:

1. Two (2) Class 5 Cannabis Retailer permits shall be allowed to operate in the CBD Central Business District.
2. One (1) Class 5 Cannabis Retailer permit shall be allowed to operate in the C-2 Service Commercial District.
3. One (1) Class 5 Cannabis Retailer permit shall be allowed to operate in the C-3 General Commercial District.

First Reading and Introduction: June 16, 2021

Referred to Planning Board: July 6, 2022

Second Reading and Public Hearing: July 21, 2022

ORDINANCES CURRENTLY IN DRAFT FORM:

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

ORDINANCE NUMBER XX-2022: An Ordinance Authorizing and Encouraging Electric Vehicle Supply/Service (EVSE) & Make Ready Parking Spaces.

ORDINANCE NUMBER XX-2022: An Ordinance to Amend the Lambertville City Code, 2014, Cable Television Advisory Committee, to Broaden the Scope of their Responsibilities.

X. ORDINANCES SECOND READING/PUBLIC HEARING

ORDINANCE NUMBER 14-2022: An Ordinance to Amend the Lambertville City Code 2014, Chapter 7, Section 7-4.4 Parking Prohibited Certain Hours

ORDINANCE NUMBER 14-2022

An Ordinance to Amend the Lambertville City Code, 2014, Chapter 7, Section 7-4.4
Parking Prohibited Certain Hours

§ 7-4.4 Parking Prohibited Certain Hours.

[Ord. #88-25, § 5; Ord. #90-02, § 1; Ord. #94-16, § 3, Ord. #97-20, § 1; 1990 Code § 7-4.4.]

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WHEREAS, In full compliance with the Clean Communities Grant, the City of Lambertville prohibits parking during certain hours for the purpose of running the street sweeper;

WHEREAS, the street sweeper, overseen by the Department of Public Works, has many values that improve quality of life for the residents and wildlife in our City; and helps to protect the Delaware River, and

WHEREAS, the Public Works Department has requested that the City review this policy to increase the prohibition of parking and to make all hours the same throughout the City.

NOW THEREFORE BE IT RESOLVED by the governing body of the City of Lambertville that the prohibited hours for parking in section 7-4.4, Parking Prohibited Certain Hours is here by changed to add:

Name of Street	Side	Hours	Location
WEDNESDAY			
North Main Street, & Bridge Street (179)	Southbound (west side)	8 – 10 AM	Between Cherry
South Main Street, Mount Hope Street	Southbound (West side)	8 – 10 am	Bridge to
FRIDAY			
South Main Street, Hope Street	Southbound (East side)	8 – 10 am	Swan to Mount
North Union Street Parking Lot	Entire Lot	8 – 10 am	East Side of
North Union Street			

INTRODUCTION AND FIRST READING: May 19, 2022

PUBLIC HEARING AND SECOND READING: June 16, 2022

ORDINANCE NUMBER 15-2022: An Ordinance to Amend the Lambertville City Code, Chapter 2 Administrative Code, Section 2-9.4 Local Public Assistance Board, Changing the Name to Read: Social Services and Public Assistance Board.

ORDINANCE NUMBER 15-2022

An Ordinance to Amend the Lambertville City Code, Chapter 2 Administrative Code, Section 2-9.4 Local Public Assistance Board, Changing the Name to Read: Social Services and Public Assistance

WHEREAS, Chapter 2 of the Administrative Code currently reads “Local Public Assistance Board,” and

WHEREAS, the Local Public Assistance Board’s responsibilities operate under N.J.S.A. 44:8-107; and

WHEREAS, the statute addresses social services.

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NOW THEREFORE BE IT RESOLVED by the governing body of the City of Lambertville in the County of Hunterdon in the State of New Jersey that the title of the code is hereby changed to read: Social Services and Public Assistance.

BE IT FURTHER RESOLVED that there shall be a director whose title is Director of Social Services and Public Assistance.

XI. DISCUSSION ITEMS

- a. North Union Street Park – Mary Anne Borge
- b. Board Vacancies
 - i. Parks and Recreation Commission
 - 1. Nomination of Barry Middleberg to serve as an Alternate
 - ii. Shade Tree Commission – 2 vacancies
 - 1. Nomination of Dan Seiter
 - iii. Zoning Board of Adjustment – 1 position
 - 1. Nomination of Kevin Brady

XII. CORRESPONDENCE

- a. ELIZABETHTOWN GAS for approval of increased base tariff rates and charges for Gas Service, Changes to Depreciation Rates and Other Tariff Revisions.
- b. SUEZ VEOLIA MERGER
- c. STATE OF NJ DOT regarding the roadway conditions existing for the crosswalk on Route 170 at Hancock Street

XIII. ANNOUNCEMENTS

- a. SUMMER CAMP: The Parks and Recreation Commission is sponsoring a summer camp beginning June 20 and ending July 29. Visit lambertvillenj.org/summer-camp to register.
- b. MEETING SCHEDULE: Please note that the July 5 and August 2 Work Sessions of the Governing Body have been canceled.
- c. JULY 4 OFFICE CLOSURES: Please take note of the following:
 - i. Friday July 1, 2022:
 - 1. City Hall will be closed;
 - 2. All other offices will close at 12:30 pm.
 - a. Garbage and Recycling schedule will remain unchanged.

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- ii. Monday, July 4, 2022: All Offices are closed in celebration of Independence Day.

XIV. PUBLIC PARTICIPATION

XV. ADJOURNMENT