



*City of Lambertville*  
**SPECIAL SESSION**  
**WEDNESDAY, JUNE 10, 2020, 6:00 PM**  
**VIRTUAL MEETING USING ZOOM**  
**MINUTES**

Please use this link to obtain information for meeting participation:  
<http://lambertvillenj.org/virtualmeetings>

**STATEMENT OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT**

Mayor Fahl called the meeting to order at 6 p.m. and asked for all to wait an additional five minutes to give the public an opportunity to log on. At 6:05 p.m. she asked the City Clerk to read the statement of compliance with the Open Public Meetings Act into the record.

The City Clerk read the following statement into the record:

This meeting is being held in compliance with the Open Public Meetings Act with the Annual Notice advertised in Trenton Times, provided to the Hunterdon County Democrat and Trenton Times, the posting of the meeting agenda on the Bulletin Board at City Hall, on the City's website at [www.lambertvillenj.org](http://www.lambertvillenj.org), on the exterior door of the Elevator Entrance at City Hall, and to department heads and the listserv.

Instructions on how to participate in the meeting were emailed through the City's listserv, provided on a call-in message at City Hall, posted on the City's website at [www.lambertvillenj.org](http://www.lambertvillenj.org) and will be read into the record at the beginning of the meeting and again during Public Participation.

**INSTRUCTIONS FOR THE PUBLIC ON HOW TO PARTICIPATE USING ZOOM VIA PHONE AND USING THE WEBINAR FEATURE**

The Deputy Clerk read the following instructions into the record prior to public comment.

**ROLL CALL**

Mayor Fahl asked the City Clerk to call the roll.

*Present:* Councilman Sanders, Councilwoman Taylor, Councilwoman Urbish, Council President Asaro, Mayor Fahl

*Also present:* Alex Torpey – Business Administrator, Cynthia Ege – City Clerk, Kristina Majeski – Deputy Clerk, William Opel – City Attorney, Emily Goldman – City Planner.

**PLEDGE OF ALLEGIANCE**

Mayor Fahl led the public in the Pledge of Allegiance.

**MOMENT OF SILENCE**

Mayor Fahl led the public in a moment of silence in recognition of those serving in the United States Armed Forces in Country and Abroad.

**CITY ATTORNEY STATEMENT REGARDING COUNCIL SESSIONS**

Based on the public health emergency caused by the COVID-19 virus, the State of New Jersey and the City of Lambertville have taken necessary action to ensure the continued regular operation of government.

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Pursuant to the Open Public Meetings Act, formal action by the Governing Body must be taken in public, at a meeting that is adequately noticed to invite public participation and maximum transparency. **Such requirements are not set aside during times of emergency, and therefore the City and its Governing Body MUST proceed with conducting these necessary meetings, in accordance with State law, and in a manner that ensures optimum transparency.**

Despite recent amendments to OPMA providing for electronic notice of any meeting, the City will continue to provide the standard statutory notice for its meetings by posting such notice in City Hall and publishing notice with The Trenton Times and Hunterdon County Democrat.

We would like to note the following, as the City has formulated a specific plan as to how to proceed with Governing Body meetings for the foreseeable future:

The OPMA, as amended, authorizes governing bodies to conduct public meetings through use of streaming services and other online meeting platforms. The City will utilize Zoom video conferencing, which also provides a dial-in feature if residents would prefer to participate by phone rather than video, as well as teleconferencing for those who wish to connect by phone only.

The City will continue to rely on the procedures currently in place for public comments directed to City officials during all meetings. **There will be no change to the City's public comment policy for virtual meetings.**

The City, at all times, will act within the requirements of the OPMA for meetings conducted during this public health emergency so that the City government can continue to provide services to the community, and the public can continue to participate and provide comments, without interruption.

**COVID19 REOPENING OF THE BUSINESS COMMUNITY**

The Business Administrator and City Planner reviewed the plans for reopening the City. A PowerPoint presentation titled "Reopening of the Business Community" was reviewed with the members of the public.

The Fee schedule was discussed and waiving fees to help business owners. The Governing Body decided to review the fees charged at the June 25, 2020 session to decide what fees they could waive to be of assistance. The approval by the Governing Body will be completed by the adoption of a resolution at the June 25, 2020 session.

Discussion ensued.

Through the grant from the county, the City will look at zoning and how to streamline the process.

The City Planner informed the members of the public present that restaurants will not lose tables and can shift tables to the parking lot. The City does not want to approve more seating but instead increase outdoor dining.

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*Resolution Number 74-2020: A Resolution Temporarily Relaxing Existing Ordinances and Associated with Review and Approval for Existing Restaurants and Food Establishments Provision for Outdoor Dining to Provide Assistance Under the Current Social Distancing Restrictions Enacted in Connection with the Ongoing Coronavirus Public Health Emergency and Subject to the Rescission and/or Relation of the Current "Stay At Home" Executive Order*

CITY OF LAMBERTVILLE RESOLUTION NUMBER 74-2020

RESOLUTION TEMPORARILY RELAXING EXISTING ORDINANCES AND PROCEDURES ASSOCIATED WITH REVIEW AND APPROVAL FOR EXISTING RESTAURANTS AND FOOD ESTABLISHMENTS PROVISION FOR OUTDOOR DINING TO PROVIDE ASSISTANCE UNDER THE CURRENT SOCIAL DISTANCING RESTRICTIONS ENACTED IN CONNECTION WITH THE ONGOING, CORONAVIRUS PUBLIC HEALTH EMERGENCY AND SUBJECT TO THE RESCISSION AND/OR RELAXATION OF THE CURRENT "STAY AT HOME" EXECUTIVE ORDER

WHEREAS, on January 30, 2020, the World Health Organization declared the outbreak of the novel coronavirus (COVID-19) to be a Public Health Emergency of International Concern as human-to-human transmission; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared the novel Coronavirus to be a United States Public Health Emergency.

WHEREAS, on February 3, 2020, New Jersey's Governor, Philip D. Murphy, issued Executive Order 102 establishing the New Jersey Coronavirus Task Force in an effort to monitor the spread of the Coronavirus within the State of New Jersey, the United States of America, and the entire world in order to facilitate necessary and appropriate action to ensure the safety and security of the residents of the State of New Jersey; and

WHEREAS, on March 4, 2020, the State of New Jersey reported the first confirmed positive case of Coronavirus throughout the State; and

WHEREAS, on March 9, 2020, Governor Murphy issued Executive Order 103 declaring a State of Emergency and a Public Health Emergency in response to the outbreak of the novel Coronavirus within the State of New Jersey; and

WHEREAS, on March 13, 2020, the President of the United States of America formally declared the outbreak of the novel Coronavirus to constitute a National Emergency pursuant to the National Emergencies Act (50 U.S.C. § 1601. et seq.); and

WHEREAS, on March 16, 2020, Governor Murphy issued Executive Order 104 enacting several "social distancing" regulations, including but not limited to, limiting public gatherings to no more than 50 people, closing educational facilities, closing various recreation and entertainment-based businesses, imposed restrictions on scope of service and hours of operation for other non-essential retail, recreational, restaurants/bars and entertainment businesses; and

WHEREAS, on March 21, 2020, Governor Murphy issued Executive Order 107 which expanded the social distancing regulations set forth within Executive Order 104, including but not limited to, directing all New Jersey remain in their home or place of residence with specific limited exceptions, prohibited gatherings of any size, closed all non-essential retail businesses and identified essential

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businesses permitted to continue to operate subject to specific limitations, and reiterated and strengthened social distancing requirements when in public; and

WHEREAS, on March 21, 2020, Governor Murphy also issued Executive Order 108 which specifically voided and precluded County and Municipal Governments from imposing or enforcing any restrictions/regulations that in any way would or might conflict with any of the provisions of Executive Order 107, with the exception of regulating online marketplaces for arranging or offering lodging, municipal or country parks, and beaches and boardwalks; and

WHEREAS, Executive Order 107 specifically regulates the continued operation of Bars/Restaurants and provides, in part, that “All restaurants, cafeterias, dining establishments and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, are permitted to operate their normal business hours, but are limited to offering only food delivery and/or take-out services in accordance with their existing liquor licenses;” and

WHEREAS, on June 3, 2020, Governor Murphy also issued Executive Order 150 which specifically allows restaurants, bars and other food or beverage establishments to provide in-person service at outdoor areas designated for food and/or beverage consumption in accordance with CDC and Department of Health safeguards; and

WHEREAS, Executive Order 150 requires restaurants, bars and other food or beverage establishments to limit the outdoor dining capacity to a number that ensures all patrons can remain six feet apart from all other patrons at all times, except for those patrons with whom they are sharing a table; and

WHEREAS, Executive Order 150 also requires restaurants, bars and other food or beverage establishments to ensure that tables seating individual groups are six feet apart in all directions and that individual seats in any shared area that is not reserved for individual groups, such as an outdoor bar area, are also six feet apart in all directions; and

WHEREAS, many restaurants or bars will not have sufficient outdoor space to serve their patrons, and thus may seek to use additional space for outdoor food and/or beverage consumption, including other areas of their property, such as parking lots, patios or lawn areas; and

WHEREAS, the Mayor and Council of the City of Lambertville find it to be appropriate to temporarily relax its Ordinances, including but not limited to the procedures associated with review and approval in order to permit said establishments to locate tables and chairs out-of-doors in other locations on their private property, subject to the requirements and

restrictions set forth herein and after the State of New Jersey rescinding and/or relaxing the restrictions of Executive Order 107 and/or any other directive prohibiting the same; and

WHEREAS, various representatives of the City of Lambertville and the Delaware River Towns Chamber of Commerce have discussed methods to assist and promote the economic development of local business in these extremely difficult times and have determined that the ability for local business’ to expand its available space on their private property will economically assist the businesses in the reduction of capacity caused by the social distancing requirements; and

WHEREAS, the Mayor and Council have determined that it is in the best interest of the City to temporarily relax the outdoor dining restrictions on local business establishments and to provide for additional space for outdoor dining into designated public parking lot areas and to allow for outdoor dining areas to be established on private property and private parking lots

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under specific terms and conditions consistent with guidelines provided by the State of New Jersey and upon application and approval by the Business Administrator and/or his designee; and

WHEREAS, N.J.A.C. 13:2-5.5 provides: “The Director of Alcoholic Beverage Control for special cause shown, may issue such temporary permits for such contingencies where a license is not expressly provided for by law, and such a permit would be appropriate and consonant with the spirit of the Alcoholic Beverage Control Act” and that “The Director may impose special conditions or requirements on any such permit;” and

WHEREAS, N.J.A.C. 13:2-9.1 provides: “The rules of [N.J.A.C. 13:2-1.1, et seq.] may be relaxed by the Director upon a showing of undue hardship, economic or otherwise, on a licensee; that the waiver of the rule would not unduly burden any affected parties; and that the waiver is consistent with the underlying purposes of Title 33 and the implementing rules.”; and

WHEREAS, pursuant to Special Ruling 2020-10, “the Director of the Division of Alcoholic Beverage Control (the “Division”) has determined it necessary to create a temporary permit, known as the COVID-19 Expansion of Premises Permit (“COVID-19 Expansion Permit”), to enable licensees and permittees to expand their licensed premises into outdoor areas, either contiguous or non-contiguous to their permanently licensed premises”, and

WHEREAS, Special Ruling 2020-10 also specifies that “licensees may apply immediately through the POSSE ABC Online Licensing System (“POSSE”), but no permit that is issued shall be effective before June 15, 2020”, and

WHEREAS, to the extent that Mayor and Council finds it appropriate to temporarily relax its Ordinances and procedures associated with review and approval to permit eating establishments to locate tables out-of-doors in other locations on their premise; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey as follows:

1. The statements that are set forth in the preamble are true and accurate. All the statements of the preamble are repeated and are incorporated herein by this reference thereto and are made a part hereof as if each and every statement were set forth fully herein.
2. Effective by way of Resolution of the Mayor and Council of the City of Lambertville, designated portions of the Wells Fargo Parking Lot, Kline’s Court Parking Lot and any other portions of Public Parking Lots to be designated by the City in consultation with the Police Lieutenant shall be closed to vehicular parking and traffic during the specific dates and times approved by the City Administrator in order for the City to set-up outdoor dining areas and/or temporary public restrooms and hand washing or sanitizing stations.
3. Effective immediately, the Business Administrator in consultation with the Police Lieutenant and Chief of the Fire Department, is hereby authorized to promulgate requirements, rules and regulations pertaining to the application for and the use of outdoor areas, both public and private, by local business establishments for outdoor dining consistent with the guidelines established by the State of New Jersey including but not limited to all COVID related safety precautions and measures during the effective dates of this Resolution.
4. Any and all business establishments of the City of Lambertville who wish to utilize designated off-street parking spaces and/or private parking lots or private property for outdoor dining shall, prior to its use, complete and submit an application to the Business Administrator for review and approval.

Restaurants/Bars/Food Service Establishment – Outdoor Dining

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5. The Business Administrator and/or his designee are hereby granted the authority and discretion to approve Outdoor Dining Plan Applications pertaining to existing “full-service bars/restaurants,” defined as “restaurants engaged in the preparation and service of meals/food,” subject to the review and approval of the Police Lieutenant, in order to permit said establishments to relocate existing tables/seating or locate new tables/seats to other locations on their premises subject to the following requirements and restrictions:

A. Applicants who wish to relocate existing approved tables/seats to other locations on site, or to locate newly acquired tables/seats outdoors in other locations on their premises, shall be required to submit an Outdoor Dining Plan application, and a drawing depicting the proposed layout and location of tables/seating outside of said bar/restaurant, which shall also include but not be limited to, confirmation of the number of existing, approved tables/seats, a depiction of clearances/distances between tables and between the seating area outside and the curb-line, and an illustration, rendering, and/or photograph of all proposed furniture. Applicants shall also submit a brief written narrative describing the proposed method of serving food and beverages in the newly proposed areas. The Applicant should also include how the proposed plan conforms to all safety and precautionary measures relating to social distancing and COVID-19 related issues. The approval of any temporary Outdoor Dining Plan in relation to this Resolution shall be subject to the following conditions:

i. Applicants may be permitted to relocate existing approved tables/seats and/or to locate newly acquired tables/seats to other locations on site, subject to the review and approval of the City’s Business Administrator and/or his designee. Notwithstanding the provision of the Resolution, no tables/seats shall encroach on or obstruct the free flow of pedestrian traffic on the pedestrian walkways or any of its approaches. In addition, notwithstanding the provision of the Resolution, Applicants will not be permitted to increase the currently approved capacity for the Premises.

ii. An approved tables/seats located in an “outdoor dining area,” defined as “a designated area on the premises of a retail food establishment or restaurant, but located outside of the principal building, and where patrons may sit at tables while consuming food and beverages ordered from and served by a waiter or waitress,” may be permitted to be utilized between the hours of 7:00 A.M. and 11:00 P.M.

iii. Applicants must submit a Litter Control Plan, which shall include a description of the number and location of trash receptacles proposed to service the outdoor dining area, and the frequency with which the outdoor dining area will be policed for litter in order to control the accumulation of trash/recycling.

iv. Applicants must also acknowledge and agree to full compliance with all current and newly imposed safety and precautionary measures and guidelines established by the State of New Jersey relating to COVID -19.

v. The sale/service of alcoholic beverages in these locations shall be permitted, subject to compliance with any and all applicable ABC regulations/statutes, including but not limited to an extension of premises application, and subject to the review and approval of the City Clerk and Police Lieutenant. The approval of any extension of premises application to permit the sale/consumption of alcoholic beverages in outdoor dining areas shall be temporary and shall automatically terminate upon the State of New Jersey rescinding Executive Order 107, and/or the elimination of all social distancing regulations, and/or the expiration of the within Resolution and/or by way of Resolution of the Mayor and Council.

vi. The City of Lambertville may permit the consumption of alcoholic beverages at tables/seats approved by the Business Administrator and/or his designee. However, said consumption of alcoholic beverages shall be limited solely to the tables/seats of the food establishment and not the City-sponsored seats in public parking lots or public land.

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BE IT FURTHER RESOLVED by the Mayor and Council of the City of Lambertville that Section 4-40 of the Code of the City of Lambertville, entitled, "Consumption or Possession of Alcohol in Public" shall not apply to the specific outdoor dining and tables and chairs approved by the Business Administrator and/or his designee on private property consistent with, and for the life of the within Resolution; and

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Lambertville that it hereby reserves the right to amend, terminate, or repeal this Resolution and/or any approvals granted herein at any point in time, if it determines that it is in the best interest of the health safety and welfare of the City, and accordingly no property rights are granted to any person(s) or entities by virtue of this Resolution and/or approval here under and any person(s) or entities electing to pursue temporary relief in accordance with the provisions of this Resolution are hereby given notice that the expenditure of any funds, or the incurrence of any costs, in reliance upon this Resolution and any approval here under shall bear their sole and exclusive risk and expense. All persons and/or entities are hereby given notice that the risk of loss for any expenditure and/or costs incurred shall be their sole and exclusive responsibility; and

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Lambertville that with the exception of the temporary relief and application process set forth herein relating to outdoor dining, existing and proposed bars/restaurants must comply with any and all other federal, state, county, and local laws and regulations, including any and all other existing zoning ordinances and/or general ordinances governing the operation of bars/restaurants; and

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Lambertville that in the event the Business Administrator, Zoning Officer and/or Police Department determines that a business establishment or person is in violation of the conditions of any temporary Outdoor Dining Plan approved in relation to this Resolution, the Business Administrator is hereby authorized to immediately revoke the approval received in relation to this Resolution; and

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Lambertville that the City Administrator, Zoning Officer and Police Department are hereby authorized and

empowered to enforce this Resolution and the several provisions hereof as well as the conditions of approval for the use of outdoor dining; and

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Lambertville that that the Business Administrator is hereby further empowered to enforce the discretionary powers which are considered necessary in order to make the provisions hereof properly effective and useful for the benefit of the City and its businesses, including but not limited to the separation of the commencement of the application and approval process for outdoor dining; and

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Lambertville that in order to avoid injustice or the possible abuse of discretion and to correct the possibility of error in judgment, any Applicant, who's Outdoor Dining Plan application is denied by the Business Administrator and/or his designee, has the right to appeal to the Council by filing a notice of appeal with the City Clerk within thirty (30) days of the denial of said application. Upon receipt of any such notice of appeal, the Council will hear the appeal at its regular meeting, at which time the owner and any other persons appearing in the matter will be heard or afforded the opportunity to be heard. At the conclusion of said hearing, the Council will consider the matter, determine whether to uphold or overturn the Business Administrator and/or his designee's decision, and thereafter notify the owner of its decision; and

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Lambertville that the within Resolution and the authority delegated herein and the effects of any permission and/or approvals hereto are expressly conditioned upon Governor Philip Murphy relaxing the restrictions of Executive

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Order 107 and any other restrictions on residents of the State of New Jersey and essential and non-essential businesses and no action is authorized or permitted that would conflict with the actions and/or Executive Orders of Governor Murphy, or any rules, regulations, requirements, prohibitions, and/or guidance of the State of New Jersey and any of its Departments, Agencies, Divisions, including but not limited to the Office of Emergency Management; and

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Lambertville that this Resolution shall take effect immediately upon and subject to the provisions of Executive Order 150, specifically the provisions pertaining to the regulations upon the operation of restaurants and bars.

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Lambertville that the Business Administrator is authorized to commence the promulgation of requirements, rules and regulations pertaining to the application for and the use of outdoor areas, both public and private, by local business establishments for outdoor dining and the approval of same. Upon passage of the within Resolution, the Business Administrator is further authorized to accept, and review said Applications; and

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Lambertville that, upon the effective date of this Resolution, all requirements of prior ordinances or parts of

ordinances inconsistent with this temporary Resolution are hereby temporary suspended to the extent of their inconsistencies only; and

BE IT FURTHER RESOLVED, by the Mayor and Council of the City of Lambertville, that the within Resolution and all authorizations contained herein, including but not limited to the designated areas of the Public Parking lots and the delegation of authority and any and all approvals to allow for outdoor dining permitted herein on public and private property shall remain in effect until further Resolution of the Mayor and Council of the City of Lambertville; and

BE IT FURTHER RESOLVED by the Mayor and Borough Council of the City of Lambertville that, except as provided for above pertaining to the promulgations of rules and regulations and the acceptance and approval of application, immediately upon Governor Philip Murphy's rescission or relaxation of the restrictions upon the residents of the State of New Jersey and the operation of essential and non-essential businesses throughout the State of New Jersey, all City officials, employees and agents shall take all necessary actions to in order to effectuate the within Resolution; and

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Lambertville that should any section, paragraph, sentence, clause or phrase of this Resolution be declared unconstitutional or invalid for any reason, or not approved by the State of New Jersey, the remaining portions of this Resolution shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this Resolution are hereby declared to be severable.

ADOPTED at a meeting of the City Council of the City of Lambertville, Hunterdon County, on June 9, 2020;

Council President Asaro asked for a motion to adopt Resolution Number 74-2020, the rules, and regulations for the reopening of the business community. Councilwoman Urbish made the motion and Councilwoman Taylor seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

**DISCUSSION OF JUDGES DECISION/FAIR SHARE HOUSING**



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The handout titled “Summary of Judge Miller’s Decision” was reviewed with the Governing Body and members of the public.

Attached and marked as addendum A.

Mayor Fahl informed the members of the Governing Body and public that the court ruled that the amended agreement was in fact fair and in the best interest of the protected class (low, moderate income) and that we did receive two particular aspects we asked for, 1: extreme extension in adopting redevelopment plan to end of year; and 2: we would not have to execute redevelopers agreement until May of 2021. Allows two things: CAT and Council to engage in larger and more robust conversation; 2: try and identify and address some of the concerns of the court hearing.

Council deliberated over the following:

- Phase 1 environmental study for police site. Delaying it will change timeline and work.
- Geo-Technical Study (addresses the areas of concern raised about the soil); Phase 1 that identifies areas of concern and provides historical data but requires no soil testing; a full environmental study; a project budget;
- verses delaying the studies for the buyer to complete.
- Community Advisory Team’s involvement
- The City’s obligation to remediate was discussed.

Councilman Sanders joined the meeting 7:04 p.m.

**DISCUSSION ON PROJECT PLAN**

Mayor Fahl informed the members of the Governing Body and public that the City has not received the formal order and we are waiting on the Judge.

The City will have 30 days from date we receive that to move forward with approval of that plan.

The following is an overview of the public discussion:

This resolution is approving the new adopted and amended plan which includes the high school site, however the city moved away from condemnation which was a significant concern.

The City has a mandatory obligation to pass this resolution and endorse this housing plan regardless of the cost to the municipality to enact and adopt they are still mandatory. While judge is concerned about significant cost of condemnation it did not stop him making that a mandatory next step.

Regardless of what number of units the maximum is, if any number over 28 houses is developed on that site, all excess number of units will go towards unmet need and if they are more than unmet need they could.

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The City can commit to advocate to use in a way that is most advantageous and would welcome input from those who have expertise to help us make that decision.

Environmental issues and the process was discussed. The City is not going to order studies until the timing of the project is right and would require a request for proposals.

**RESOLUTIONS**

*Draft reports, contracts and other documentation in draft form will be provided to the members of the public if they are adopted by the Governing Body.*

RESOLUTION NUMBER 66-2020: *A Resolution to Approve and Adopt the Housing Element and Fair Share Plan of the City of Lambertville, County of Hunterdon, State of New Jersey.*

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

City of Lambertville, Hunterdon County

RESOLUTION NUMBER 66-2020

*A Resolution to Approve and Adopt the Housing Element and Fair Share Plan of the City of Lambertville, in the County of Hunterdon in the State of New Jersey*

**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 November 7, 2018; and

**WHEREAS**, the Governing Body endorsed the Housing Element and Fair Share Plan on December 2, 2018; 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

**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

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**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**, the City executed an Amended Settlement Agreement with Fair Share Housing Center (FSHC) on January 29, 2020 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 Planning Board held a public hearing and adopted an amended Housing Element and Fair Share Plan on March 4, 2020;

**WHEREAS**, COAH's Prior Round rules at N.J.A.C. 5:91-2.2(a) requires that the municipal governing body endorse a plan adopted by the municipal planning board; and

**NOW THEREFORE BE IT RESOLVED** that the Governing Body of the City of Lambertville, Hunterdon County, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the City of Lambertville Planning Board; and

**BE IT FURTHER RESOLVED** that the Governing Body of the City of Lambertville, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.2(a), submits this Housing Element and Fair Share Plan to the Superior Court pursuant to the City's Amended Settlement Agreement with Fair Share Housing Center and the City's Declaratory Judgment action requesting a Judgment of Compliance & Repose through July 8, 2025.

ADOPTED: June 10, 2020

Council President Asaro asked for Council comments and questions.

There being no comments or questions from the Governing Body, Council President Asaro asked for public comments and questions.

There being no additional comments or questions from the public, Council President Asaro asked for a motion to adopt Resolution Number 66-2020. Councilwoman Urbish made the motion and Mayor Fahl seconded the motion. An affirmative roll call/voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

**RESOLUTION NUMBER 73-2020:** *A Resolution of the City of Lambertville, County of Hunterdon, Directing the City Planning Board to Conduct a Scattered Site Preliminary Investigation to Determine Whether Block 1003, Lot 3 (Police Site); Block 1027, Lot 6 (City Hall); Block 1044, Lot 14 (Justice Center); Block 1073, Lots 34 and 34.01 (Public Works Yard); and Block 1074, Lot 2 (Library) or any Part Thereof is an Area in Need of Redevelopment as Defined in N.J.S.A.40:A:12-6*

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

City Planner reviewed the resolution with the members of the Governing Body and the public. The Governing Body is directing the Planning Board, Planning Board would commission City Planner to do the study. The goal is for the July 15<sup>th</sup> Planning Board meeting for the public hearing. It will come back to the Governing Body at the July 23

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Council meeting to determine if the sites identified meet statutory criteria. The plan must be on file by July 3<sup>rd</sup>.

Council members deliberated over the cost to pay for the scattered sites preliminary investigation. The fee of \$18,000 is to be used for professional services to assist planning board for the completion of the studies of all five sites verses only the Police Site. Difference in price: \$18,000 to do all right now, individually, \$50,000. The City Planner clarified that the fee is \$10,000 for each site if completed separately.

Members of the public asked about the process. The following is an overview of the discussion: It is a requirement of redevelopment law to study properties for redevelopment process. Police study will hit a series of indicators that it is an area in need of redevelopment. The study would include the five sites looking at each site to see if they are meeting the redevelopment. Adopting the resolution as written allows quite a few options for next steps. Identifying sites as area in need of redevelopment allows the city to adopt redevelopment agreement. Allows for some of the work the city wants to talk about with the Community Advisory Team (CAT) and the community on things like tax abatements or incentives on developed property. This is the first base step in redevelopment law.

Council members deliberated on voting for the resolution as written or amending it for only the Police Site.

The City is going to bring studies to the CAT. CAT (Community Advisory Team) cannot do its job without this information.

**CITY OF LAMBERTVILLE**

**RESOLUTION NUMBER 73-2020**

**A RESOLUTION OF THE CITY OF LAMBERTVILLE, COUNTY OF HUNTERDON, DIRECTING THE CITY PLANNING BOARD TO CONDUCT A SCATTERED SITE PRELIMINARY INVESTIGATION TO DETERMINE WHETHER BLOCK 1003, LOT 3 (POLICE SITE); OR ANY PART THEREOF IS AN AREA IN NEED OF REDEVELOPMENT AS DEFINED IN N.J.S.A. 40A:12-6**

**WHEREAS**, the governing body of the City of Lambertville seeks to undertake a redevelopment effort within the City; and

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

**WHEREAS**, the City Council of the City of Lambertville considers it to be in the best interest of the City to have the City's Planning Board conduct such an investigation regarding

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**BLOCK 1003, LOT 3;** which parcels are currently owned by the City, as described and delineated on the official Tax Map of the City of Lambertville; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Lambertville, County of Hunterdon, that:

Section 1. The Planning Board of the City of Lambertville is hereby directed to conduct a preliminary investigation to determine whether the parcels are an area in need of redevelopment according to the criterion set forth in N.J.S.A. 40A:12A-5;

Section 2. The Planning Board of the City of Lambertville is hereby directed to study the aforementioned parcels, to develop a map showing the boundaries of the proposed redevelopment area, to provide public notice and conduct public hearings pursuant to N.J.S.A. 40A:12A-6 and to draft a report/Resolution containing its findings;

Section 3. Pursuant to N.J.S.A. 40A:12A-6 the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (“Non-Condensation Redevelopment Area”) as to all property within the redevelopment area;

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

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

**ADOPTED** at a meeting of the City Council of the City of Lambertville, Hunterdon County, on June 10, 2020;

Council President Asaro asked for a motion to adopt Resolution Number 73-2020. Councilman Sanders made the motion to amend the resolution to read for only the Police Site, Block 1003, Lot 3, and Councilwoman Urbish seconded the motion. An affirmative roll call/voice vote was taken in favor of the motion by the majority of the members present. MOTION CARRIED with Mayor Fahl casting a no vote.

**ORDINANCES – SECOND READING AND PUBLIC HEARING**

*Ordinance Number 04-2020: A Bond Ordinance Providing for Various Actions Including Planning and Investigation Costs in Furtherance of a Scattered Site Study in and By the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, Appropriating \$18,000 Therefor and Authorizing the Issuance of \$18,000 Bonds or Notes of the City to Finance Part of the Cost Thereof.*

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

BOND ORDINANCE PROVIDING FOR VARIOUS  
ACTIONS INCLUDING PLANNING AND  
INVESTIGATION COSTS IN FURTHERANCE OF A  
SCATTERED SITE STUDY IN AND BY THE CITY OF

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LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$18,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$18,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The purpose described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the City as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$18,000. No down payment is required pursuant to N.J.S.A. 40A:12A-37 as this bond ordinance is for actions expected to be undertaken by the City pursuant to existing and future redevelopment plans pursuant to N.J.S.A. 40A:12-1 *et seq.*

Section 2. In order to finance the cost of the purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$18,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The purpose for the financing of which the bonds are to be issued is to finance various actions including planning and investigation costs and professional fees incurred in connection with and in furtherance of the City's pursuit of various redevelopment objectives throughout the City, including the preparation of a study of various scattered sites throughout the City including all related costs and expenditures incidental thereto.

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

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

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

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interest rate, and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

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

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

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

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$18,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$18,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

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

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

Section 9. The chief financial officer of the City is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or

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interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

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

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

INTRODUCTION AND FIRST READING: April 23, 2020

PUBLIC HEARING AND SECOND READING: May 21, 2020

Mayor Fahl asked for a motion to open the public hearing. Councilman Sanders made the motion to open the public hearing and Councilwoman Urbish seconded the motion.

Council President Asaro asked for Council comments or questions. There being no Council questions or comments. Council President Asaro asked for public comments or questions.

The date for draft project plan and draft expenses will be presented to Governing Body on June 25 session.

Council President Asaro asked for a motion to close the public hearing for Ordinance Number 04-2020. Councilman Sanders made the motion and Councilwoman Taylor seconded the motion. An affirmative voice vote/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Council President Asaro asked for a motion to adopt on second reading Ordinance Number 04-2020. Councilman Sanders made the motion and Councilwoman Taylor seconded the motion. An affirmative voice vote/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

**ANNOUNCEMENTS**

Council President Asaro read the announcements into the record.

CENSUS: Cut and paste this link in your browser:

<https://2020census.gov/?msckid=d5669b5e0b1d1fd97e13c5343c771c39>

CONVENIENCE CENTER HOURS: The Public Works Department is open the First Saturday (June 6) and the Third Saturday (June 20) from 9 a.m. to noon for residents to drop off leaves and brush. They will also be open on Wednesday, June 17, from 3 to 5



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p.m. For additional information, please visit the city's website at:

<https://lambertvillenj.org/newsfeed-pages/389-the-city-of-lambertville-convenience-center>

SPARKLE WEEK UPDATE: Sparkle Week will be held the first two weeks of August.

Details can be found on the City's website: <https://lambertvillenj.org/sparkle-week>

ZONE ONE, TUESDAY PICK-UP – AUGUST 4: Begins at Church Street and goes south to Route 29, includes Bridge Street, Ferry Street, Swan Street, Mount Hope Street and Canal Street. It also includes Curley Lane, Grants Alley and Washington Street.

ZONE TWO, WEDNESDAY PICK-UP – AUGUST 5: Includes Cottage Hill, Connaught Hill, and Music Mountain.

ZONE THREE, THURSDAY PICK-UP – AUGUST 13: Begins at Church Street, runs north to Delaware Avenue.

ZONE FOUR, FRIDAY PICK-UP – AUGUST 14: Begins the north side of Delaware Avenue, runs north to Cherry Street, and includes Lamberts Hill and Blair Tract.

**COMMUNITY ADVISORY TEAM UPDATE (CAT)**

CAT – Mayor Fahl went over the CAT requirements. The format will be deliberative in nature but at the end a memo will be produced for the public. All decisions will be written and go to the board.

The meetings are not open to the public and the meeting agendas are not public.

The key focus of the Community Advisory Team is the police site and redevelopment.

They are looking at compliance issues related to the Judge's decision.

The role of the CAT is to be the liaison and airing concerns and grievances to members of the administration and professionals. The CAT members will define the process to include the public and it will be discussed at a meeting of the Governing Body.

The selection committee for the CAT membership included the Governing Body, the City Planner, and the selected Chairs.

**PUBLIC PARTICIPATION/PUBLIC CONCERN**

The Deputy Clerk read the following statement into the record.

If you want to participate or make a public comment, there are two ways to do so.

If you are currently utilizing a computer to participate, you would click the "Raise Hand" button on the bottom of the screen. This will place you in a queue that I can see for when it is time to take public comments. People are sorted in the order they raised their hands. When I call on you, a message will

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pop-up asking if you want to unmute yourself. If you choose to move forward and place a public comment or question, choose to unmute, if you have changed your mind then choose to deny.

If you are dialing in on your phone, to “raise your hand” dial \*9 to be placed in the queue. When called on, the system will ask you to confirm being un-muted to proceed.

Please try to be concise with your questions or comments, to be mindful of others' time.

You will be asked to state your full name and address into the record, then please feel free to make your comment or ask a question. You will remain unmuted while the governing body responds. Please make sure there is no background noise such as the T.V. on, music or loud chatter.

When public comments are finished, participants will be placed back on mute for the duration of the meeting.

Members of the Governing Body will raise their hand to make a comment or ask a question.

Matt Hanson asked for an update on recording meetings. Mayor Fahl responded that we have been deliberating that in public hearings. Last two meetings have been grueling, and she asked to hold on those conversations until we can give them the time, they are due.

Councilwoman Urbish commented that because of the anticipated length of last night and tonight, we wanted to make sure we had enough time to discuss the issue. It will be on next meeting agenda.

**ADJOURNMENT**

Council President Asaro asked for a motion to adjourn at 10:05. Councilman Sanders made the motion to adjourn and Council President Asaro seconded the motion.

It was noted that Matt Hanson raised his hand. Councilman Sanders made a motion to rescind his motion to adjourn. Council President Asaro seconded the motion.

Matt Hanson asked for clarification of the date of the next meeting where Recording Meetings would be discussed. Mayor Fahl said it would be on the June 25<sup>th</sup> meeting agenda.

Councilman Sanders made a motion to adjourn. Council President Asaro seconded the motion. 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

*Approved at the July 23, 2020 Council Session.*

*The City of Lambertville*

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