



**City of Lambertville**  
**REGULARLY SCHEDULED SESSION**  
**TUESDAY, NOVEMBER 10, 2020, 6:00 PM**  
**VIRTUAL MEETING USING ZOOM**  
**AGENDA**

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 6:00 p.m. and 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; the meeting notice was provided to the Hunterdon County Democrat and Trenton Times, sent to department heads, members of the listserv and was posted on the glass doors of the elevator entrance at City Hall. The meeting agenda was posted on the Bulletin Board at City Hall, on the City's website at [www.lambertvillenj.org](http://www.lambertvillenj.org).

This session will be recorded using Zoom. The recording will be posted to the City's website.

**CLOSED SESSION:** *A Resolution to go into Closed Session to discuss Attorney/Client Privileged Issues Related to Contract Negotiations, Pursuant to N.J.S.A. 40:4-12(b)(7)*

Mayor Fahl asked for a motion to go into closed session to discuss attorney/client privileged issues related to contract negotiations, pursuant to N.J.S.A. 40:4-12(b)(7).

**RESOLUTION**

*“Authorizing a Closed Session at the November 10, 2020 Lambertville City Council Meeting to Discuss Attorney/Client Privileged Issues Related to Contract Negotiations, Pursuant to N.J.S.A. 40:4-12(b)(7)”*

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

**WHEREAS**, N.J.S.A. 10:4-12 provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by resolution; and

**WHEREAS**, it is necessary for the City to discuss, in a session not open to the public, attorney-client privileged issues related to contract negotiations involving the City, pursuant to N.J.S.A. 10:4-12(b) (7).

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Lambertville that a closed session shall be held on November 10, 2020, via Zoom, to discuss attorney/client issues related to contract negotiations involving the City, pursuant to N.J.S.A. 40:4-12(b)(7).

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

ADOPTED:

# City of Lambertville

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Mayor Fahl and City Council convened in closed session at 6:01 p.m. with a motion made by Councilwoman Urbish and seconded by Councilman Sanders. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Fahl and City Council re-convened in regular session at 6:53 p.m. with a motion made by Councilwoman Urbish and seconded by Councilwoman Taylor. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

The Governing Body reconvened in Open Session at 7:00 p.m. and the City Clerk reread the statement of compliance with the Open Public Meetings Act into the record.

### **ROLL CALL**

The City Clerk called the roll as follows:

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

**ALSO, PRESENT:** William Opel – City Attorney, Cynthia Ege – City Clerk, Kristina Majeski – Deputy Clerk, and Chris Battaglia – CMFO.

### **PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE**

Mayor Fahl led the public in the Pledge of Allegiance. She asked people to remain standing for a moment of silence in honor of those serving in the United States Armed Forces in Country and Abroad, and for those serving on the front lines of COVID19.

### **BILLS LIST**

Mayor Fahl asked for a motion to approve the payment of the Procurement Card in the amount of \$796.07, which includes the following bills: Greener Printer - \$208.30; Sustainable Jersey - Grant Ditching Disposals Flyers/Postcards; Sticker Mule - \$90.00; Environmental Commission; Monthly Zoom - \$447.78; Communications Programs & Services and Monthly Mailchimp - \$49.99; Communications Programs & Services

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

### **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.*

CONSENT AGENDA:

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Council President Asaro asked for a motion to approve the resolutions listed on the Consent agenda, numbers 136-2020 through and 141-2020 and noted that Resolution Number 139-2020 is being pulled the consent agenda.

RESOLUTION NUMBER 136-2020: *A Resolution to Authorize the Refund of the Veteran’s Deduction Allowance for Block 1052, Lot 2, 51 South Union Street in the Amount of \$250 to Nicholas Brady.*

**RESOLUTION NUMBER 136-2020**

*A Resolution to Authorize the Refund of the Veteran’ Deduction for Block 1052, Lot 2, 51 South Union Street in the Amount of \$250.00 for Nicholas Brady*

**WHEREAS**, the Tax Collector requested a refund of a Veteran’s Deduction granted by the State of New Jersey for the 2020 taxes for Block 1052, Lot 2 on the Tax Map of the City of Lambertville, with a mailing address of 51 South Union Street.

**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 refund to Nicholas Brady for the 2020 Veteran’s Deduction for block 1052, Lot 2, 51 South Union Street is hereby authorized.

**ADOPTED**: November 10, 2020

RESOLUTION NUMBER 137-2020: A Resolution to Accept the 2019 Audit.

**City of Lambertville**

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

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

WHEREAS, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

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

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

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

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

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

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

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

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

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON NOVEMBER 10, 2020.

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Cynthia L. Ege, City Clerk

**RESOLUTION NUMBER 138-2020: A Resolution to Authorize the Contract for Professional Services:**

**RESOLUTION NUMBER 138-2020**

*Authorizing Professional Service Contracts for Redevelopment Work to Clarke Caton Hintz Not to Exceed \$15,000 for Police Site Work and \$3,000 for Work with the CAT Members*

**WHEREAS**, there exists a need for Planning Services to handle matters related to Redevelopment; and

**WHEREAS**, the contracts are being awarded pursuant to the Fair and Open Process, a process that provides for public solicitation of proposals OR qualifications and the New Jersey Local Unit Pay-to-Play Law as defined in N.J.S.A. 19:44A-20.4 et seq., bids were advertised on October 10, 2019 and received on November 6, 2019, providing sufficient time to give notice, and publicly opened on November 6, 2019 for City Planner; and

**WHEREAS**, sufficient funds are available in the Scattered Sites Ordinance, number 04-2020, for such services;

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**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey hereby confirms the nomination made by Mayor Fahl for the duration of the following projects:

Redevelopment -Police Site Work - Clarke Canton Hintz, Not to Exceed \$15,000;

Redevelopment - CAT Work - Clarke Canton Hintz not to exceed \$3,000

**BE IT FURTHER RESOLVED** that the Mayor and/or the City Clerk are hereby authorized and directed to finalize and sign an agreement for the 2020 calendar year.

**BE IT FURTHER RESOLVED** that notice of these actions shall be printed in the November 16, 2020 issue of The Times, N.J.A.C. 5:34-9.5 (d).

**ADOPTED:** November 10, 2020

~~RESOLUTION NUMBER 139-2020: A Resolution to Amend the Not to Exceed Amounts in Resolution Numbers 17-2020—City Attorneys, 20-2020—City Planner, and 19-2020—City Engineer.~~

~~RESOLUTION NUMBER 139-2020~~

~~A Resolution to Amend the Not to Exceed Amounts in Resolution Numbers 17-2020—Attorneys, 20-2020—City Planner, and 19-2020 City Engineer.~~

~~WHEREAS, on January 7, 2020, the Governing Body of the City of Lambertville awarded contracts for professional services; and~~

~~WHEREAS, the following not to exceed amounts in the resolutions for professional services is amended to read:~~

~~Resolution Number 10-2020 for City Engineer: Suburban Consulting Engineers, LLC, an increase in the contract from \$7,500 to a not to exceed amount of \$13,500.00;~~

~~Resolution Number 20-2020 for the City Planner for matters related to COAH: Clarke Canton Hintz, an increase the contract from \$15,000 to a not to exceed amount of \$36,300.00;~~

~~—(\$21,228.21 to be charged to COAH Trust)~~

~~Resolution Number 17-2020 for COAH Attorney: Malamut, an increase the contract from \$15,000 to a not to exceed amount of \$27,300.00.~~

~~—(\$12,280.54 to be charged to COAH Trust)~~

~~NOW THEREFORE BE IT RESOLVED BY THE Governing Body of the City of Lambertville, in the County of Hunterdon, that the amendments to resolutions listed adopted on January 7, 2020 are hereby authorized.~~

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RESOLUTION NUMBER 140-2020: A Resolution to Authorize a Shared Services Agreement with the County of Hunterdon for the Use of Fuel and Diesel Tanks for Public Works and the Police Department Vehicles.

*A Resolution to Authorize a Shared Services Agreement with the County of Hunterdon for the Use of Fuel and Diesel Tanks for Public Works and the Police Department Vehicles.*

**WHEREAS**, the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, is removing the gas and diesel tanks from the Public Works Yard, and

**WHEREAS**, there is a need to purchase diesel and fuel to service the City's Public Works and Police Vehicles; and

**WHEREAS**, the County of Hunterdon has gas and diesel fuel tanks at the yard located in the Township of West Amwell; and

**WHEREAS**, a Resolution for authorization for the shared services agreement with the County of Hunterdon is pending adoption; and

**WHEREAS**, the employees of the City of Lambertville will log and submit a monthly statement to the Finance Department and the City of Lambertville will reimburse the County of Hunterdon on a monthly basis for fuel.

**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 shared services agreement with the County of Hunterdon for gas and diesel fuel is hereby authorized.

**ADOPTED:** November 10, 2020

RESOLUTION NUMBER 141-2020: A Resolution Authorizing Transfer of Budget Appropriations in the 2020 General Fund Budget.

RESOLUTION NUMBER 141-2020  
RESOLUTION AUTHORIZING TRANSFER OF BUDGET APPROPRIATIONS PURSUANT TO  
N.J.S.A 401:4-58

**WHEREAS**, in accordance with N.J.S.A 40A:4-58, transfers may be made between appropriation accounts in the General Budget in the last two months of the fiscal year; and

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WHEREAS, such transfers are made to cover expenses in accounts in excess of that anticipated and from accounts having expenses in less amounts than anticipated; now

<u>ACCOUNT</u>	<u>IN</u>	<u>OUT</u>
ADMINISTRATION S&W		\$ (21,567.00)
MAYOR & CITY COUNCIL SW	\$ 1,000.00	
MAYOR & COUNCIL OE		\$ (23,000.00)
FINANCIAL ADMINISTRATION OE	\$ 5,000.00	
TAX ASSESSOR OE	\$ 2,000.00	
LEGAL SERVICES - OE	\$ 12,500.00	
PLANNING BOARD OE	\$ 550.00	
LIABILITY INSURANCE/SURETY BONDS	\$ 6,517.00	
GROUP INSURANCE Waivers		\$ (9,000.00)
POLICE S&W		\$ (5,000.00)
PUBLIC WORKS S&W		\$ (5,000.00)
SOLID WASTE COLLECTION OE	\$ 15,200.00	
BUILDINGS & GROUNDS OE	\$ 7,500.00	
DOG REGULATION OE	\$ 7,500.00	
UTILITY EXPENSES & BULK PURCHASES	\$ 5,800.00	
<b>TOTALS</b>	<b>\$ 63,567.00</b>	<b>\$ (63,567.00)</b>

THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, County of Hunterdon, New Jersey, in accordance with N.J.S.A 40A:4-58 that transfers between budget appropriation accounts on the attached report are authorized and that a certified copy of this resolution adopted by not less than a two-thirds (2/3) vote of the full membership of the governing body shall be transmitted to the Chief Financial Officer.

ADOPTED: November 10, 2020

Councilwoman Urbish made the motion to adopt the resolutions listed on the consent agenda, removing Resolution Number 139-2020. Councilwoman Taylor seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

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**STATEMENT REGARDING PUBLIC COMMENT** – Mayor Fahl noted that the Governing Body has discussed opening the meeting for public comments and decided that public comment will only be taken during the public comment sections of the meeting which includes public hearings.

**DISCUSSION AROUND POTENTIAL PRESERVATION OF BLOCK 1002, LOT 41, CLOSSON PROPERTY**

Mayor Fahl reviewed the proposal with the members of the Governing Body and public. She gave an overview of the proposal to purchase the Closson property. This is a culturally significant property that is on the open market with underlining zoning somewhere between 12 and 14 units. There has been some due diligence to make sure we can afford with acquisition and kick the tire works. The timeline would be to engage with the Closson's' in a contract for purchase to remove this site from the market so we aren't competing and do due diligence for the City to ensure it is a worthwhile investment.

- **OVERVIEW OF SITE:** 8.4 acres of land that is the Closson's site, housing historic and was Washington's Headquarters; barns and the farm market, put existing buildings into exemption zone, 1.3 acres of exemption and then the rest of the site would be preserved in perpetuity in open space.
- **FUNDING OF PURCHASE:** NJ Conservation Fund and Hunterdon Land Trust after we acquired the property to work through the state and county for the process of being repaid with preservation dollars.
- **TIMELINE:** Over the course of the next six month study on how to best use this property, maintain the historic house to the public, and would likely to be able to have this continue as a farm market generating benefit to the community, use the bard as available community meeting space for artwork, bands, organization like Indivisible, to meet and have municipal gathering space, greenhouses for community garden, and study whether or not it make sense to do a small reno to reuse the home as a final home for the police site. During the course of the six-month study, we expect to have another option for a second site for the police, still in negotiations, hope to have it before the 30<sup>th</sup>, over the course of the next several months to do due diligence on property. In partnership with architect and city planner with multiple experts to do a series of studies to provide the public with as much information as possible to ensure this is a good investment for the community. Working in partnership with the CAT to do that.
- **CAT PARTICIPATION:** Sarah Gold joined the meeting to talk about working with the CAT on this project. Co-chairs of the CAT, we had this really excited to engage w2ith the community and Mayor. Role from now until November, the CAT will provide input on recommended studies useful, end of December, question and answer with council/mayor, and others who have additional info.



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First q & a on website. January – March anticipate reaching out to the community for input on values on where the police site will go, Closson or other option. Office hours, surveys, also going to get creative in other ways to engage the public. All other ideas are welcome.

- **NEXT STEPS:**

Move forward on this ordinance; Public hearing on 11/30/2020; Request for Proposals for architectural and planning services; other potential studies including title searches and surveys etc. before the January 1 2021 to have a hard number on the entire cost of this adaptive reuse of the property or alternate option at that time. 2021 we will continue to do our study and wrap up with due diligence by end of April.

Goal is to have clear cost associated with multiple options for the new home for the police site, separate for the preservation piece.

Whether the Closson home make sense to rehome the police ultimately the preservation project is important next step to ensure the site isn't overdeveloped. Historical and cultural significance.

The City Attorney discussed the structure of the ordinance, and details of agreement. He informed the members of the Governing Body and public that if the Closson's chose to accept the City's offer, the city will have an agreement to purchase, at which point upon adoption of the Ordinance, Mayor Fahl will be authorized to sign the document to purchase. The city asked for guidelines to extend out more than 60 to 90 days so the city can take time to make the right decision.

Mayor Fahl commented on the secondary part of the agreement. The City will be placing a small down payment with the Closson's, which will be funded by open space tax. The City negotiated for the first two months to have the down payment refundable. If there is no issue raised during first two months, then a portion of the down payment will go hard and be nonrefundable, and then we will have our secondary round of due diligence including some larger studies, march down path until final conclusion. The terms are all still being negotiated but will have a final agreement to purchase prior to November 30 meeting. The City is mitigating the risk for public dollar while approaching the purchase in an aggressive way so we are not competing in open market against potential developer.

Phase I and Phase II studies discussed.

Goal by end of year, intend to know what it will cost for a new police site and what it will cost to move the police site.

Adaptive reuse projects, cost drivers, reasonable next step

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Comments from the public were mixed with favorable comments regarding preservation, budgetary concerns, concerns for the police site and concerns for the potential for buildings on this site.

***ORDINANCE NUMBER 14-2020: An Ordinance Authorizing the Purchase of Property Located at 260 N. Main Street (Block 1002, Lot 41) and Authorizing the Execution of Agreements in Connection Therewith***

Mayor Fahl asked for a motion to introduce Ordinance Number 14-2020, authorizing the purchase of Block 1002, Lot 41, commonly known as 260 North Main Street.

WHEREAS, David and Edward W. Closson (the “Closson’s”) own the property shown on the City of Lambertville’s (the “City”) Tax Maps as Block 1002, Lot 41, commonly known as 260 N. Main Street (the “Closson Property”); and

WHEREAS, currently situated on the Closson Property are the Homestead Farm Market and associated improvements and parking space related thereto, a residential home, a barn, a revolutionary-era stone farmhouse, along with significant open space and gardens; and

Whereas the Closson Property is of significant cultural value to our community

Whereas the City of Lambertville's Governing Body understands the extrinsic value of preserving the rural character of our community

Whereas the Washington Headquarters is an important piece of the fabric of our historic community

WHEREAS, pursuant to *N.J.S.A. 40:12-15.7* and *N.J.S.A. 40A:12-5*, and in furtherance of its effort to acquire land for recreation and conservation purposes, and for the continued performance of essential City functions, the City desires to purchase from the Closson’s the Closson Property, pursuant to a Purchase and Sale Agreement by and between the City and the Closson’s (the “Agreement”); and

WHEREAS, in order to set forth the terms and conditions under which the City and the Closson’s will carry out their respective obligations with respect to the transaction described herein, the City desires to authorize the execution of the aforementioned Agreement.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Lambertville, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The price to purchase the Closson Property from the Closson’s is not to exceed \$2,900,000.00, and is hereby deemed to be reasonable.

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- 3. The Mayor is hereby authorized to execute the Agreement, in substantially the same form as that on file with the City Clerk, and any and all documents necessary to effectuate the acquisition from the Closson’s of the Closson Property, upon such terms and conditions as are set forth in the Agreement.
- 4. The terms of the Agreement are reasonable, and the City is further authorized to take all steps necessary for the conduct of due diligence at the Closson Property pursuant to said Agreement.
- 5. The City Clerk is hereby directed to publish this Ordinance as required by applicable law.
- 6. This Ordinance shall take effect pursuant to applicable law.

Councilman Sanders made the motion to introduce Ordinance Number 14-2020 and Councilwoman Urbish seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

The public hearing is scheduled for November 30, 2020.

**ORDINANCES – FIRST READING**

ORDINANCE NUMBER 15-2020: An Ordinance to Amend the Lambertville City General Ordinances, 2014, to Include a Handicapped Parking Space in front of 29 North Franklin Street.

Council President Asaro asked for a motion to introduce Ordinance Number 15-2020.

ORDINANCE NUMBER 15-2020  
*An Ordinance to Amend the Lambertville City Code 2014, Chapter 7, Section 4-7, Parking Restricted for Use by Handicapped Persons to Add Handicapped Parking in Front of 29 North Franklin Street.*

NOW THEREFORE BE IT RESOLVED that the application for a handicapped parking space in front 29 North Franklin Street for Christine Bolles is authorized as follows:

North Franklin Street, on the south side of the street in front of 29 North Franklin Street.

INTRODUCED: November 10, 2020

PUBLIC HEARING AND ADOPTION: November 30, 2020

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Mayor Fahl made the motion to introduce Ordinance Number 15-2020. Councilwoman Taylor second the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

The public hearing is scheduled for November 30, 2020.

ORDINANCE NUMBER 16-2020: *An Ordinance to Amend the General Code of the City of Lambertville, Chapter VII, Traffic, Section 4.5, Parking Time Limited on Certain Streets to **Remove the free** Two Parking Spaces on the Southwest Side of Bridge Street with a Twenty-Minute Maximum Time Limit, Sunday through Saturday.*

Council President Asaro asked for a motion to introduce Ordinance Number 16-2020.

**ORDINANCE NUMBER 16-2020**

*An Ordinance to Amend the General Code of the City of Lambertville, Chapter VII, Traffic, Section 4.5, Parking Time Limited on Certain Streets to **Remove the free** Two Parking Spaces on the Southwest Side of Bridge Street with a Twenty-Minute Maximum Time Limit, Sunday through Saturday.*

BE IT ORDAINED by the Mayor and Governing Body of the City of Lambertville that Chapter VII, Traffic, Section 4.5, Parking Time Limited on Certain Streets to **remove** the following:

<i>Name of Street</i>	<i>Sides</i>	<i>Time Limit</i>	<i>Hours</i>	<i>Location</i>
Bridge Street	South	20 minutes	9 am to 9 pm	First two parking spaces on the south side of Bridge Street west of Main Street.

INTRODUCTION AND FIRST READING: November 10, 2020

ADOPTION AND SECOND READING: November 30, 2020

Councilman Sanders made the motion to introduce on first reading. Councilwoman Urbish seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

The public hearing is scheduled for November 30, 2020.

**EMERGENCY RESOLUTION AND ORDINANCE**

Mayor Fahl explained to the public that this resolution and ordinance will assist the City with the 2019 budget and will allow us to spread out the shortfalls due to COVID19 over a period of five years. Previously the Governing Body decided that we did not want to

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include this in the 2020 budget but instead to spread it out so that the impact is not in one budget year and easier on the tax payers. She introduced Chris Battaglia, the CMFO for the City to explain the Emergency Resolution and Ordinance.

Mr. Battaglia explained that the City was waiting for direction from the State of New Jersey on how to proceed. The City looked at four areas in considering the revenue short fall and that includes the Court, Meter Revenue, Construction, and Hotel/Motel fees. This is a unique circumstance that required the City to review the past three years of revenue, use the average, and the conservative amount of shortfall is \$390,000. The actual expense side for COVID is approximately \$43,000. The State does not want the City to have a deficit in operations or deplete reserves and this emergency allows the City to spread the emergency out over a five-year period.

*RESOLUTION NUMBER 131-2020: A Resolution Authorizing the Chief Financial Officer of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey to Submit an Application to the Director of the Division of Local Government Services for Approval of A Special Emergency in the Amount of \$438,000.00, or Such Other Amount Certified by Such Director, for the Purposes Set forth in N.J.S.A. 40A:4-53(L) and/or N.J.S.A. 40:A-53(M)*

Mayor Fahl asked for a motion to adopt Resolution Number 131-2020.

**RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY TO SUBMIT AN APPLICATION TO THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR APPROVAL OF A SPECIAL EMERGENCY IN THE AMOUNT OF \$438,000, OR SUCH OTHER AMOUNT CERTIFIED BY SUCH DIRECTOR, FOR THE PURPOSES SET FORTH IN N.J.S.A. 40A:4-53(L) AND/OR N.J.S.A. 40A:4-53(M)**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than a majority of all members thereof affirmatively confirming) AS FOLLOWS:**

**Section 1.** The City of Lambertville, in the County of Hunterdon, New Jersey (the "City") hereby approves the application prepared by the Chief Financial Officer of the City in the form attached hereto as **Exhibit A**, seeking the approval of the Director of the Division of Local Government Services (the "Director") of a special emergency in the amount of \$438,000, or such other amount certified by the Director, for the purposes set forth in N.J.S.A. 40A:4-53(l) and/or N.J.S.A. 40A:4-53(m).

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**Section 2.** The City hereby further authorizes and directs the Chief Financial Officer of the City to submit said Application to the Director by no later than December 1, 2020. If necessary, for any reason, the City hereby further authorizes the Chief Financial Officer of the City to submit to the Director a written request for an extension of the December 1, 2020 deadline and to file such Application on or prior to such extended deadline granted by the Director, if any.

**Section 3.** This resolution shall take effect in accordance with applicable law.

Council President Asaro made the motion to adopt Resolution Number 131-2020. Councilwoman Urbish seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

*ORDINANCE NUMBER 13-2020: ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$438,000, OR SUCH OTHER AMOUNT CERTIFIED BY THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES, FOR THE PURPOSES SET FORTH IN N.J.S.A. 40A:4-53(L) AND/OR N.J.S.A. 40A:4-53(M), IN AND BY THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY*

Mayor Fahl read the Ordinance into the record by title. She asked for a motion to introduce Ordinance Number 13-2020, with a public hearing scheduled for November 30, 2020.

**ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$438,000, OR SUCH OTHER AMOUNT CERTIFIED BY THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES, FOR THE PURPOSES SET FORTH IN N.J.S.A. 40A:4-53(L) AND/OR N.J.S.A. 40A:4-53(M), IN AND BY THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY AS FOLLOWS:**

**Section 1.** The City of Lambertville, in the County of Hunterdon, New Jersey (the "City") hereby appropriates an aggregate amount of \$438,000 to provide for (i) the immediate preparation, response, recovery, and restoration of public services during such time as a public health emergency, pursuant to the "Emergency Health Powers Act,"

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P.L.2005, c.222 (C.26:13-1 et seq.), declared in response to COVID-19 remains in effect, in the amount of \$43,000, pursuant to N.J.S.A. 40A:4-53(l) and (ii) a deficit in operations experienced by the City during fiscal year 2020, in which a public health emergency pursuant to the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.), or a state of emergency, pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.), or both, has been declared by the Governor in response to COVID 19, in the amount of \$395,000, pursuant to N.J.S.A. 40A:4-53(m). The appropriation authorized hereby shall be in the individual and aggregate amounts set forth herein or such other amounts as certified by the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey (the "Director").

**Section 2.** The City shall apply for any financial assistance that may be available to the City from the federal government, the State of New Jersey, and other sources to offset any operating deficit directly attributable to COVID-19, and any such financial assistance obtained by the City shall be utilized to offset any operating deficit.

**Section 3.** A copy of this ordinance as finally adopted shall be filed with the Director.

**Section 4.** This ordinance shall take effect upon the latter of (i) the date determined by applicable law or (ii) the earlier of (a) the date the Director approves in writing the application submitted by the Chief Financial Officer of the City for approval of the special emergency authorized hereby (the "Application") and (b) the date that is 45 days (or the first business day following such 45<sup>th</sup> day, if applicable) following the date the Chief Financial Officer submits the Application to the Director.

Councilwoman Urbish made a motion to introduce on first reading Ordinance Number 13-2020. Council President Asaro seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

**ANNOUNCEMENTS**

VETERANS' DAY (Armistice Day), NOVEMBER 11, 2020

The American Legion will be honoring Veterans with a ceremony on Wednesday, November 11, 2020 at 11 AM. All are invited to participate.

All City Offices will be closed on November 11 in honor of our Veterans.

Garbage and Recycling scheduled for Wednesday, November 11 will be picked up on Tuesday, November 10.

Please note: this has changed to Thursday, November 12.

**FREE ELECTRONICS RECYCLING DAY:** The City of Lambertville is sponsoring a Free Electronics Recycling Day on Saturday, November 21, from 9 to 11 am at the American Legion located at 320 North Union Street in the City. For additional information, use

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the following link: <https://www.lambertvillenj.org/newsfeed-pages/597-electronics-recycling-event>

**PARKING NEWS!** All metered parking is free on Thanksgiving Day, November 26, 2020 and from December 17<sup>th</sup> through December 25!

**APPOINTMENTS TO BOARDS AND COMMISSIONS:** The City is in the beginning stages of planning appointments for the 2021 calendar year. If you are currently serving on a board or commission, or if you would like to be considered for an appointment, please submit your letter of interest and resume to the Mayor, Council President and City Clerk using the following email addresses: [mayorfahl@lambertvillenj.org](mailto:mayorfahl@lambertvillenj.org), [Councilpresidentasaro@lambertvillenj.org](mailto:Councilpresidentasaro@lambertvillenj.org), and [cityclerk@lambertvillenj.org](mailto:cityclerk@lambertvillenj.org)

**CONVENIENCE CENTER HOURS:** For additional information, please visit the city's website at: <https://lambertvillenj.org/newsfeed-pages/389-the-city-of-lambertville-convenience-center>

Wednesday, November 18, 2020 from 3 to 5 pm

Saturday, November 21, 2020 from 9 am to 12 noon

**MARIJUANA:** Mayor Fahl announced that the results of the election on the public question regarding legalizing Marijuana passed. She appointed the following people to a committee to study zoning in the Central Business District, for Planning Board and the Zoning Board of Adjustment: Allison Kopecki, Mark Cullison, and Reggie Ross.

### **PUBLIC PARTICIPATION/PUBLIC CONCERN**

Paul Stevens addressed the members of the Governing Body regarding an email sent on August 30<sup>th</sup> to the Mayor and Governing Body. He questioned by only Councilwoman Taylor responded. He then read the email into the record.

Dear Mayor and Council,

Paul Stevens, of 39 Quarry St., here. You might recall that I first voiced my concerns on the sale of the YMAC property at a Council meeting on February 20, 2020. I was encouraged to learn in June that the City was investigating the tax status of the YMAC (see attached Tax Status—correct). My attempt to find the outcome of the investigation, however, has gone unanswered (see below email). So, I am writing to urge the City to fully investigate the possibility that back property taxes are owed on the property.

I have attached three documents that lead to me to believe there could be back property taxes owed on the YMAC property. The first document, NJ Stat. \_ 54\_4-3.6, is a LexisNexis summary of legal cases associated with the NJ property tax-exempt law. It was supplied to the Planning Board by the council representing the seller of the YMAC property. YMAC 445 and YMAC 446 are copies of the first and second pages, respectively of what appears to be the YMAC



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incorporation document. (I say “appears to be” because the document is unsigned. It was located in the Hunterdon County records, but attempts to locate a record of its submission to the state have been unsuccessful.)

In the case summary, the following points are stressed about property tax exemption:

- For tax-exempt status, the property must be organized and actually used exclusively for exempt purposes.
- The stated purpose is determined by the owning entity’s statement of incorporation.
- The burden is on the claimant to bring itself within the exemption provision.
- The burden is on the claimant to prove tax exempt status.

Point 2 of YMAC 445 states the purposes of the YMAC. Although one of the purposes is covered by the tax-exempt statute (see pg. 2 of the NJ Stat.\_54\_4-3.6 document), I contend the other stated purposes do not fall under the allowed purposes. I believe Mr. Opel has stated that the YMAC was granted tax exempt status under an old law (see below email). However, as the case law summary indicates, the claimant must bring itself within the exemption provision as it evolves over time. Furthermore, the burden is on the claimant to prove its tax-exempt status.

This begs the question: “Has the YMAC proved that it maintained tax-exempt status throughout its history as the statute definition evolved?” I hold that fully resolving this issue prior to any close of sale of the property is paramount, especially during the on-going budget crisis. If the answer is no, I contend back taxes are owed. If the taxes cannot be paid by the YMAC, the City might be able to take over the property. At a minimum, Lambertville could then sell the property and receive the proceeds. I suggest a better use for the property, from the City’s perspective, could be as a new home for the police station—purchase of a new property would not be needed, an interim move might not be necessary, the site has direct access to Rt 29, etc.

In closing, I urge the City to fully investigate the tax-exempt history of the YMAC. Thank you for your time and consideration of my thoughts....be well, Paul.

Discussion ensued. William Opel responded that the City did not have a process in place when the YMAC made its application for tax exemption. The Tax Assessor informed the City that now there is a process that requires certification of tax exemption status. The City cannot go back in time to charge the applicant.

**ADJOURNMENT**

The meeting adjourned at 9:37 p.m. with a motion made by Council President Asaro and seconded by Councilman Sanders. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Respectfully,

*Cynthia L. Ege*

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Cynthia L. Ege  
CMR, RMC, City Clerk

*The November 10, 2020 Session Minutes were approved at the December 8, 2020 Voting Session.*