



City of Lambertville
Regularly Scheduled Council Meeting
May 3, 2022, 7:00 P.M.
Phillip L. Pittore Justice Center, 25 South Union
Street, Lambertville
MINUTES

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

Mayor Nowick called the meeting to order at 7:00 p.m. and he asked the City Clerk to read the statement of compliance with the Open Public Meetings Act into the record.

The City Clerk read the following statement into the record: *This meeting is being held in compliance with the Open Public Meetings Act with the annual advertisement in the Trenton Times, the meeting notice was provided to the Hunterdon County Democrat, the Trenton Times, individuals on the listserv, department heads, the city engineer and city attorney. The meeting agenda provides for all action items known at the time of publication and is subject to change. This meeting is being streamed live through the Zoom Meeting Platform.*

ROLL CALL

The City Clerk called the roll as follows:

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

Also present: William Opel – City Attorney, Cynthia Ege – City Clerk, Michael Humphrey – Deputy Clerk.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

Mayor Nowick led the public in the Pledge of Allegiance and a moment of silence.

RESOLUTIONS

RESOLUTION NUMBER 81-2022: A Resolution to Amend the Temporary Budget.

Mayor Nowick informed the members of the public present that this resolution will allow the city to continue to operate under the temporary budget until the 2022 Budget has been adopted.

RESOLUTION NUMBER 81-2022

A Resolution to Amend the Temporary Budget

WHEREAS, N.J.S. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2022 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided, and

WHEREAS, said temporary appropriations are limited to 26.25% of the total appropriations in the 2021 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvements and public assistance, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Lambertville, in the County of Hunterdon, State of New Jersey, that the following

appropriations be made and a certified copy of this resolution be transmitted to the Chief Financial Officer for his records:

Current Fund

Capital Improvement Fund: \$71,127.76

ADOPTED: May 3, 2022

Mayor Nowick asked for a motion to adopt Resolution Number 81-2022. Council President Taylor made the motion and Councilman Sanders seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

ORDINANCES – FIRST READING AND INTRODUCTION

ORDINANCE NUMBER XX-2022: A CAP Bank Ordinance - *Delayed to May 19, 2022 session.*

CAP BANK ORDINANCE AND THE 2022 BUDGET INTRODUCTION

Mayor Nowick informed the members of the public that the CAP Bank Ordinance and the Introduction of the 2022 Budget have been delayed to the May 19, 2022 session.

As you are aware, I have been working diligently with the Finance Team to assemble all this year's projected appropriations, revenues, capital improvements and borrowing for 2022. These figures were presented to our City Auditors last week in order for them to compile the information into the State's Budget document for Council Introduction. Part of this process includes running the necessary calculations to make sure that the proposed budget is within the State mandated Appropriation and Levy Caps.

Late yesterday afternoon, the final documents were drafted and I was informed that the appropriations within the Cap have exceeded the Appropriation Cap limits. The Finance Team and I will work through our Auditor's recommendations toward a Cap compliant document and it is my intention to introduce the 2022 Budget at our next Council meeting on May 19, 2022.

I offer my apologies for setting an expectation that was not met.

ORDINANCES – SECOND READING AND PUBLIC HEARING

ORDINANCE NUMBER 06-2022: A Bond Ordinance Introduced March 17, 2022, Amended April 21, 2022 with the public hearing scheduled for May 3, 2022.

Mayor Nowick read the Ordinance into the record by title. He informed the members of the public present that this Ordinance is to fund the USDA grant for Swan Creek and Ely Creek. The Ordinance was amended on April 21, 2022 and the public hearing is tonight.

AS AMENDED ON APRIL 21, 2022

ORDINANCE NUMBER 06-2022

BOND ORDINANCE PROVIDING FOR WATERSHED PROTECTION IMPROVEMENTS IN THE AREA OF SWAN CREEK AND ELY STREET (UPPER YORK STREET) IN AND BY THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$1,921,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$476,189 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 improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the City of Lambertville, in the County of Hunterdon, New Jersey (the "City") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,921,000, including a grant in the amount of \$1,434,675 received from the United States Department of Agriculture (the "USDA Grant") and also including the sum of \$23,811 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment and in anticipation of receipt of the USDA Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$476,189 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 improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is various watershed protection improvements in the area of Swan Creek and Ely Creek (Upper York Street) in the City, including all work and materials necessary therefor and 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 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 40 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 \$476,189, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$182,000 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 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 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.

Mayor Nowick opened the public hearing for Ordinance Number 06-2022 and he asked for Council Comments. There being no council questions or comments, Mayor Nowick asked for public comments. There were no questions or comments from the members of the public in-person or on the Zoom Meeting Platform.

Mayor Nowick asked for a motion to close the public hearing for Ordinance Number 06-2022. Councilwoman Lambert made the motion and Council President Taylor seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Nowick asked for a motion to adopt on second reading, granting final approval of Ordinance Number 06-2022. Council President Taylor made the motion and Councilman Sanders seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

DISCUSSION ITEMS

Electric Charging Stations – Liz Magill Peer

Mayor Nowick introduced Liz Magill Peer to the members of the governing body and public. Liz Magill Peer gave the following overview of the proposed grant.

Mayor, Council, members of the public thank you for having me tonight. As you know the DEP is offering municipalities up to \$200,000 each to purchase DC Fast Charging Electric vehicle chargers. DEP determined Hunterdon County to be a Tier 1 county and will be given priority and they have given Lambertville a Sustainability Score of 80 out of 100 which gives us a higher probability of being selected.

In addition to this opportunity JCP&L has rebate opportunities to reimburse the City for the cost of the electric infrastructure.

We would like to apply for chargers that would power vehicles in EV designated spots at the Union Street parking lot to be used by residents and visitors.

Our primary focus in choosing this location was to find a place that would draw EV owners into our CBD to patron shops and restaurants while their vehicle was charging.

We are on a Public EV charger desert island, with no public chargers within 10 miles. I'd like to share a screen shot from my friends EV car's app showing available chargers in the area. The one in Lambertville is his home. When you type in a destination most EV cars re-route your inputted trip for public chargers when you are running low on battery, bringing patrons to the City who might not have initially planned to stop here.

The Governor was in Lambertville today speaking about the importance of resiliency planning in towns like Lambertville. In addition to drawing business into the CBD, as we talk about resiliency and look to the future for how we can commit to climate change mitigation this is a way that we can highlight Lambertville's values by providing convenient accommodations for visitors who have invested in that technology.

After discussion with Councilman Stegman about his No vote and thoughtful consideration of the grant requirements I ask the Council to amend resolution 72-2022 to one charging station that will power two spots or two charging stations each to power only one spot at the Union Street lot and support this application unanimously.

Discussion ensued with regard to the electric charging stations. Ms. Peer informed the governing body that the grant is for two parking spaces (two one car units or one dual unit) and not the four spaces she originally proposed. The governing body discussed expanding the application to include City Hall and installing units that serve two cars for each lot (North Union Street Parking Lot and City Hall). The location of the spots at the North Union Street Parking Lot was discussed. Councilman Stegman felt strongly that they should be in a place that is visible and he wanted to limit it to two parking spaces in each parking lot. Members of the governing body and public reviewed options for other locations and they included: parking lot by the playground at Ely Park and the Phillip L. Pittore Justice Center; however, both areas are in an area prone to flooding. The Library parking lot was also discussed as an alternative. Councilman Stegman asked if there was support from the Chamber. Ribbons Harris, the Executive Director of the Greater Lambertville Area Chamber of Commerce commented that the membership was very supportive of electric car charging stations in Lambertville.

After much discussion, Mayor Nowick asked for a motion to adopt Resolution Number 83-2022, amending Resolution Number 72-2022 as follows:

RESOLUTION NUMBER 83-2022

A Resolution to Authorize the Submission of a Grant Application to the State of NJ Department of Environmental Protection for Car Charging Stations

WHEREAS, the State of New Jersey's Department of Environmental Protection has a funding opportunity for the purchase of electric vehicle infrastructure, allowing residents, businesses and government agencies to purchase and drive electric vehicles; and

WHEREAS, the City of Lambertville's Environmental Commission has reviewed and begun the application process for the purchase of units that allow for the following:

City Hall Parking Lot, two parking spaces:

One Unit with two ports to serve two spaces; or

Two units with one port each, to serve two spaces

North Union Street Parking Lot, two parking spaces on northwest side, if possible:

One Unit with two ports to serve two spaces; or

Two units with one port each, to serve two spaces

WHEREAS, the grant covers the purchase of the charging stations, associated delivery and activation fees, warranty, maintenance agreement and network subscription for up to five (5) years, and a leasing contract (if necessary), and

WHEREAS, the Environmental Commission plans to apply for funding through JCP&L billing refund and EV Driven (a JCP&L program), and also to look for additional funding to offset the cost of the installation of the units; and

NOW THEREFORE BE IT RESOLVED by the governing body in the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the grant application to the State of New Jersey, Department of Environmental Protection for the "It Pays to Plug In" NJ's Electric Vehicle Workplace Charging Grant Program is hereby authorized.

BE IT FURTHER RESOLVED that the placement of the units in the North Union Street Parking Lot and City Hall is hereby authorized.

ADOPTED: May 3, 2022

Councilman Sanders made the motion to approve the resolution supporting the grant application(s) for electric car charging units. Councilman Stegman seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present.

MOTION CARRIED.

Boards And Commissions – Vacancies

Mayor Nowick informed the members of the public that we have the following vacancies: Parks and Recreation Commission – 1 position, Shade Tree Commission – 2 positions, and Zoning Board of Adjustment – 1 position. All interested candidates should file a letter of interest with their resume with the City Clerk.

Newspaper Boxes

Mayor Nowick informed the members of the governing body and the public that the city has received some complaints from the public regarding newspaper boxes in our community. The City Attorney sent an ordinance adopted in February by Perth Amboy to regulate the maintenance of the newspaper boxes. The sample ordinance was uploaded to google drive for the council to review. The City Attorney will keep the governing body up-to-date on the progress of Perth Amboy and their newly adopted Ordinance.

Proposed Ordinances

Mayor Nowick informed the members of the public that the City Clerk was asked to look at the city's fee schedule and to make recommendations to the governing body.

This is the Clerk's recommendation for consideration of an ordinance. Tonight is to discuss this proposal.

The City Clerk gave an overview of the recommendations.

Meter Fees: Current Fee is: \$1.25 per hour and the Proposed Change is to \$2.00 per hour. The general feeling was that the governing body wanted additional information on meter rates and the impact to the business community.

The city attorney will research the Statute that references what meter revenue can fund. Parkmobile rates were briefly discussed and the preference was for shorter periods of time rather than the suggested longer time periods.

The parking meters were purchased in 2011 and were refurbished meters. The coin shoots are beginning to fail and the batteries are very costly. In 2020, the city paid \$668 to repair the meters and \$396 for batteries; in 2021, the city paid \$915 in parts and \$251.28 in batteries; and so far this year, we have spent \$414 in parts and \$299.52 in batteries. The concern expressed was for the availability of parts, the time spent by the police department making the repairs, and the loss of revenue when the meter fails. Councilman Stegman volunteered to take the lead and do some research on fees and alternatives available for metered parking.

Food License Fees: The City Clerk reviewed the current fee schedule. She informed the members of the governing body that the city pays the county \$200 for inspections, we have new software that cost \$1,700 per license type; and employee time invested in processing the application. The current fee of \$250 does not cover the city's expenses.

Temporary Food Licenses fees are \$95.00. The County does not charge for inspections for temporary food licenses. The licenses are processed electronically and included in the software fee of \$1,700.00.

Late fees were discussed. Our restaurant owners are very good and we rarely have a bad actor. However, in 2019, the city did have a very bad experience with one vendor. The City Attorney will research to see if the city can recover fees expended for court time.

The governing body would like to see additional information before they determine the new rate schedule for food licenses.

Amendment for the fees for Use of Public Property: The City Clerk informed the governing body that the Parks and Recreation Commission are reviewing the fee schedule and may recommend a resident fee and a non-resident fee.

Event Fee – Special Event Ordinance: The City Clerk advised that her office is receiving calls from people interested in filming in Lambertville or doing a photoshoot. She is looking into a Special Event Ordinance. The governing body felt this was a good idea as it would set parameters.

PUBLIC PARTICIPATION

Mayor Nowick opened the meeting up for public participation. He asked those interested in speaking to come to the podium, state their name and address for the record, and then ask their question or make their comment.

Mayor Nowick reminded the public about the city's ordinance when addressing Council.

Caren Gadbois, owner of Union Café, asked that the governing body take into consideration the time required for local coffee shops to prepare coffee and quick sandwiches (5 minutes) when establishing the time limits. She also asked that they give consideration to employee parking; better signage for Parkmobile; weekday vs weekend rates, and asked for consideration for tiered approach to fees for food licenses.

Council President Taylor commented that the city discussed the weekend vs weekday rates but we were limited by the current meters.

Councilman Stegman commented that Parkmobile can change programs based on zones and usage. It's used as a management tool, and most visited spots become more expensive. Meters take less than a quarter to start.

Amy Coss, owner of the Sojourner commented that she has commented on parking in this room and other rooms since 1990. Her business requires people to stay longer than

fifteen minutes because they are making jewelry or trying on clothes. She asked that the city empty the meters more often to eliminate jamming issues for the public. She felt with the residential permits increase, and due to COVID, many are working at home and not moving their cars and the city is losing revenue. And finally, food permits, urge you, to charge those restaurants for re-inspections rather than pass it onto everyone.

Ribbons Harris, the Executive Director for the Chamber commented that she was contacted by members from the business community. They are sympathetic, understanding but perceive this as an additional tax and they feel it may break their backs. Things are tight due to the pandemic, Hurricane Ida and all of the other things that have been impacting our businesses as people are putting their businesses back together. Two businesses have closed, and one more that can't staff their operation. Princeton and New Hope aren't comparable to us. We don't make our money in night life. We focus on small shops with less than 5 or 10 employees. She felt a better comparison might be Yardley or Frenchtown, however we acknowledge that they are not comparable to Lambertville. We look forward to the opportunity to engage in finding ways to address its other problems which may make this far less important such as developing properties, issues of housing in the area and those too may provide additional resources.

ZOOM Platform: Five attendees and no hands raised.

Mayor Nowick commented that Dean and Lisa Stephens wrote to the governing body and asked for consideration of a lower increase, they would prefer to keep the increase to \$.25.

Mayor Nowick asked for a motion to close the public hearing portion of the meeting. Councilwoman Lambert made the motion and Councilman Stegman seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

CLOSED SESSION: Closed Session of the Governing Body of the May 3, 2022 Lambertville City Council Meeting to discuss Issues related to Potential Contracts pursuant to N.J.S.A. 10:4-12(b)(7).

RESOLUTION

“Authorizing a Closed Session at the May 3, 2022 Lambertville City Council Meeting to Discuss Issues Related to Potential Contracts Pursuant to N.J.S.A. 10:4-12(b)(7)”

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

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that a closed session, not open to the public, may be held for certain specified purposes when authorized by N.J.S.A 10:4-12(b).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lambertville that a closed session shall be held on May 3, 2022, to discuss issues related to potential contracts pursuant to N.J.S.A. 10:4-12(b)(7).

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

ADOPTED: May 3, 2022

Mayor Nowick and City Council convened in closed session at 8:48 p.m. with a motion made by Councilwoman Lambert and seconded by Councilman Stegman. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Nowick and City Council re-convened in regular session at 9:25 p.m. with a motion made by Councilman Sanders and seconded by Councilwoman Lambert. An affirmative voice/roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

ADJOURNMENT

The meeting adjourned at 9:25 p.m. with a motion made by Council President Taylor and seconded by Councilwoman Taylor. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Respectfully submitted,

Cynthia L. Ege
CMR, RMC, City Clerk