



**City of Lambertville
Meeting Agenda
September 19, 2024, 6:00 p.m.
Phillip L. Pittore Justice Center
25 South Union Street**

I. STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

This meeting is being held in compliance with the Open Public Meetings Act with the meeting schedule advertised in the January 10, 2024, edition of the Trenton Times, the meeting agenda was posted on the Bulletin Board at City Hall and the City's website, and the meeting notice was sent to the members on the Listserv and Department Heads and the City Engineer on Monday September 16, 2024.

The meeting agenda offers planned action items known at the time of publication and is subject to change.

II. ROLL CALL

Councilwoman Kominsky, Councilman Lide, Councilman Stegman, Council President Lambert, and Mayor Nowick

III. CLOSED SESSION: to discuss attorney/client matters related to potential contracts pursuant to N.J.S.A. 10:4-12(b)(7).

PLEASE NOTE: *The Governing Body will go into closed session at 6:00 pm and will reconvene in open session at 7:00 pm.*

IV. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

V. APPROVAL OF MINUTES

- a. August 15, 2024 Meeting Minutes
- b. August 15, 2024, Closed Session Minutes
- c. September 5, 2024 Work Session Minutes

VI. APPROVAL OF ADMINISTRATIVE REPORTS

- a. Clerk's Office, Construction Office, Municipal Court, Public Works Department, Police Department, Tax Collector.

VII. PUBLIC PARTICIPATION

VIII. RESOLUTIONS

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

- a. RESOLUTION NUMBER 130-2024: *Resolution to Authorize the Refunds for the Month of August*

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the following refunds are hereby authorized:

Tohickon Settlement for over payments on property taxes for:

Block 1015, Lot 14, in the amount of \$2,361.74

Block 1057, Lot 1.04 in the amount of \$3,073.29

Block 1002.01, Lot 60 in the amount of \$3,518.42

Logan Real Estate LLC, 30 Morgan Hill Rd, Easton PA 18042, for over payments on property taxes for:

Block 1017, Lot 5, in the amount of \$3,328.82

Block 1023, Lot 12, in the amount of \$2,269.38

Barry Sokol, Facility Deposit, \$250.00

Anna Leyland, Bulk Trash, \$40.00

Justin Hall, duplicate payment of lead fee \$100

Wyatt Lucas for Construction Permit, Including Credit Card Service Fee in the amount of \$76.99

Prime Group LLC for Construction Permit, Including Credit Card Service Fee in the amount of \$76.99

Salvatori's Plumbing & Heating for a duplicate payment for a construction permit in the amount of \$167.32

b. RESOLUTION NUMBER 131-2024: A Resolution to Authorize Road Closures for the Month of October

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the following road closures are hereby authorized:

PORCHFEST: Sunday, October 13, 2024, 1 – 5 PM,

Coryell Street From North Union to George Street

HALLOWEEN PARADE: Starts at Mary Sheridan Park on Saturday, October 26, 2024, from 2:30 to 3:30 pm

York Street from North Main to North Union

North Union from Coryell to Buttonwood Street

Cross Streets: York to Perry Street

TRICK OR TREATING, Thursday, October 31, 2024, from 6 – 8 PM

Road Closures from 5 – 9 PM

North Union Street from Coryell to Buttonwood

c. RESOLUTION NUMBER 132-2024: A Resolution to Authorize the Release of Bonds for 121 South Franklin Street As approved by the City Engineer.

WHEREAS, Block 1048, Lot 45.03 received a temporary Certificate of Occupancy from the City of Lambertville on June 21, 2024; and

WHEREAS, the following bonds were posted as performance bonds for the project:

Steven Vrahnos in the amount of \$5,000.00

Mikel Ross in the amount of \$16,62.60

WHEREAS, the City Engineer reviewed the as-built plan for 121 South Franklin Street, conducted site visit of the lot in May of 2024, and a final certificate of occupancy was issued by the City of Lambertville, as authorized by the City Engineer on September 3, 2024.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the release of the performance bonds posted for 121 South Franklin Street are hereby authorized.

d. RESOLUTION NUMBER 133-2024: A Resolution to Authorize the Redemption of a Tax Lien Certificate 23-00006 for Block 1022, Lot 15, Plus a Premium in the Amount of \$1,200.00

WHEREAS, Tax Lien Certificate 23-00010 issued on Block 1048 Lot 18 was sold to Bala Partners, PO Box 303, Titusville, NJ 08530 on 10/24/23 and

WHEREAS, payment has been received by the Tax Collector for redemption of the tax lien from Corelogic Mortgage company.

NOW THEREFORE BE IT RESOLVED by Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the check is hereby authorized to Bala Partners, PO Box 303, Titusville, NJ 0853 for tax lien certificate 23-00010 in the amount of \$2080.78

In addition, the city is holding a premium in the amount of \$1,200.00 and upon redemption this is due back to the lienholder.

2 checks for the lienholder -

Check 1= \$880.78

Check 2= for premium= \$1,200.00

ADOPTED: September 19, 2024

e. RESOLUTION NUMBER 134-2024: A Resolution to Authorize the Contract with Lew Environmental, for the Lead Testing of Residential Rental Units.

WHEREAS, PL 2021, c. 182 requires periodic inspections for certain rental dwellings that were constructed prior to 1978 for the purpose of identifying lead-based paint hazards; and

WHEREAS, LEW Environmental Services, of Mine Hill, NJ, offers management services for lead-based paint reporting at no cost to municipalities; and

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the City of Lambertville, in the County of Hunterdon and State of New Jersey, approve Lew Environmental Services to be appointed the lead-safe certification contractor for the municipality for a term beginning October 1, 2024, and ending December 31, 2024.

BE IT FURTHER RESOLVED that the Governing Body approves funding for postage and mailers, distributed by LEW Environmental Services, in an amount not to exceed \$2,000.00.

BE IT FURTHER RESOLVED that the Mayor, City Clerk and City Attorney are hereby authorized to execute the agreement with Lew Environmental.

f. RESOLUTION NUMBER 135-2024: A Resolution to Adopt the Corrective Action Plan for the 2023 Audit.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the Corrective Action Plan for the 2023 Audit is hereby adopted.

g. RESOLUTION NUMBER 136-2024: A Resolution Authorizing the Redemption of a Tax Lien for Block 1022, Lot 15 in the Amount of \$2,521.36

WHEREAS, Tax Lien Certificate 23-00006 issued on Block 1022 Lot 15 was sold to USBank,

Cust/PC8 Firsttrust Bank, PO Box 774, Fort Washington, PA 191034 on 10/24/23 and

WHEREAS, payment has been received by the Tax Collector for redemption of the tax lien

from Corelogic Mortgage company.

NOW THEREFORE BE IT RESOLVED by Mayor and Council of the City of Lambertville,

in the County of Hunterdon, in the State of New Jersey that the check is hereby authorized to USBank, Cust/PC8 Firstrust Bank, PO Box 774, Fort Washington, PA 191034 for tax lien certificate 23-00006 in the amount of \$2521.36

In addition, the city is holding a premium in the amount of \$1,000.00 and upon redemption this is due back to the lienholder.
2 checks for the lienholder –
Check 1= \$1521.36
Check 2= for premium= \$1,000.00

IX. BILLS LIST

X. ORDINANCES – FIRST READING

- a. ORDINANCE NUMBER 17-2024: *An Ordinance to Amend the Lambertville City Code, 2014, Chapter 7, Traffic, Adding Section 7-17, VALET PARKING*

ORDINANCE NUMBER 17-2024

An Ordinance To Amend The Lambertville City Code, 2014, Chapter 7, Section 7-17, Lambertville Restaurant Valet Parking Service

WHEREAS, the City of Lambertville's Central Business District (CBD), Commercial-2, Commercial-3 zones are home to some of the area's finest restaurants that create an increased demand for parking convenient to their locations especially on weekends; and

WHEREAS, additionally, restaurants categorized as a pre-existing non-conforming use are included regardless of the zone they are within; and

WHEREAS, this action will increase available parking options for restaurant clientele during these times of increased demand for parking without negatively impacting available street parking for residents; and

WHEREAS, the licensing and regulation of persons providing valet parking services for restaurants in these designated zones will promote the safe and efficient operation of a valet parking service and ensure safety for patrons and accountability for the licensed persons.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that, once adopted, the following language shall be inserted into the Lambertville City Code, 2014, Chapter 7. Traffic, Section 7-17, Lambertville Restaurant Valet Parking Service.

7-17.1 DEFINITIONS

For the purposes of this article the following words and phrases shall have the meanings respectively ascribed to them by this section:

Ramping: Use of the valet parking service area to allow customers to enter or exit a vehicle and turn it over to or retrieve it from valet parking operator employees. Ramping operated in a public right-of-way must specifically be authorized for same by the mayor and council.

Stand Alone Service: A service provided by a vendor that is not connected to a retail business. Note: this is prohibited.

Valet parking operator; operator: Any person, partnership, corporation, or any other type of entity engaged in the business of parking automobiles for a fixed period of time for which it may or may not charge a fee. Valet parking services operated totally on a restaurant's private property for a fee or not, as a courtesy to its customers are excluded from this definition.

Valet parking service area: The public on-street right-of-way to be utilized for the valet parking service.

Wage theft: Having been found guilty, liable or responsible in any judicial or administrative proceeding of committing a violation of the Federal Fair Labor Standards Act of 1938, 29 U.S.C.A. § 201 et seq., the New Jersey Wage and Hour Law, N.J.S.A. 34:11-56a. et seq., the New Jersey State Wage Payment Law, N.J.S.A. 34:11-4.1 et seq. or N.J.S.A. 2C:40A-2 (violation of contract to pay employees).

7-17.2 VALET PARKING SERVICE AREAS — DESIGNATION

The mayor and council may, in their discretion, designate by resolution such places under their jurisdiction in the municipality as areas which can be used for the drop-off and pick-up of vehicles by valet parking operators, as they may deem expedient and proper.

The Police Director or the Officer-in-Charge, to meet a temporary condition or emergency, may temporarily relocate an existing valet service parking area for a period not exceeding seven days or until the next meeting of the mayor and council, whichever is sooner. The mayor and council may relocate a valet parking service area by resolution for such period of time as may be necessary to meet the temporary condition or emergency.

7-17.3 DUTY TO ACCEPT CUSTOMERS UPON REQUEST

Except as may be required or authorized by law or ordinance (Number 28-2015 adopted December 15, 2015), no valet parking operator licensed under this article shall refuse to accept a customer and a customer shall be serviced on a first-come, first-serve basis. No licensed operator shall refuse service to any customer based on race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, familial status, disability or nationality, or any other basis in violation of state or federal law.

7-17.4 LICENSE REQUIRED

It shall be unlawful for a valet parking operator to conduct its business within a municipal right-of-way without first having obtained a license therefore from the mayor and council as provided in this article.

7-17.5 TRANSFERABILITY, GENERALLY

A valet parking operator license shall not be transferable.

7-17.6 APPLICATION FOR VALET PARKING OPERATOR LICENSE; QUALIFICATIONS

Valet Service Applications are restricted to proprietors of food operations as defined in the Board of Health section of the Lambertville City Code, 2014.

No more than one license may operate in an approved valet parking service area. The issuance of any valet parking operator license for use of a valet parking service area shall comply with the minimum requirements set forth in this article and shall also be in accordance with any additional terms and conditions as may be set forth by the mayor and council.

Stand-alone valet service is not permitted in the City. A formal arrangement between a restaurant and a valet service will be required for licensing.

The applicant shall give such information as may be deemed by the mayor and council as requisite to determine the fitness of the applicant to conduct the business. Every applicant for a license must be at least 18 years of age and shall provide the following information at a minimum:

- a) Name, address and telephone number of the business or person(s) on whose behalf the valet parking operator license is sought (referred to in this section as "applicant").
- b) The proposed days and hours of operation.
- c) A description of the location(s) of where the valet parking services will take place, including proof in the form of a written agreement to use private property for the parking of customer vehicles. The agreement must include the total number of parking spaces at the location and the number of spaces set aside for the exclusive use of vehicles from the valet parking service. Parking of valet vehicles shall not be allowed in public parking lots or public streets. The remote parking of valet vehicles shall be limited to the CBD, C1, C2, & C3 zones.

The licensee must provide the proposed pattern of discharge and pickup of vehicles, including the estimated number of vehicles that will be valet parked during each hour of operation, and the number of agents or employees that will provide valet.

- a) A copy of the driver's license for each of the applicant's employees who will be parking vehicles on behalf of the applicant. All such individuals shall be licensed in the States of New Jersey or New York, or Commonwealth of Pennsylvania.
- b) A statement that none of the applicant's employees who will be parking vehicles have been convicted of reckless driving, driving while intoxicated, leaving the scene of an accident or speeding over 30 miles per hour above the speed limit. No employee who will park vehicles shall have more than eight New Jersey Motor Vehicle Commission points on his or her driving record, or the equivalent if licensed in New York or Pennsylvania.
- c) The applicant shall either provide proof that it has obtained driver history abstracts required herein no more than one year prior to the commencement of the service for the municipality, or provide consent as may be necessary, for the Police Director or the Officer-in-Charge, to obtain driver history abstracts, in accordance with New Jersey law. The cost for obtaining driver history abstracts shall be borne by the applicant. Licensed operators shall be responsible for complying with this subsection (e) for new employees hired after a license is initially issued but during the license term.

- d) Certificate(s) of insurance evidencing the applicant's compliance with the following minimum insurance requirements:
1. The restaurant owner and the licensed valet parking operator shall be required to maintain, during the term of its license, commercial general liability insurance which shall name Lambertville and each of its employees, officers, agents, servants, and consultants as additional insured.
 2. The commercial liability insurance shall include contractual liability insurance and shall provide for a minimum combined single limit of \$1,000,000 for bodily injury and/or property damage per accident and per occurrence. In addition, the commercial general liability insurance shall include garage keeper's liability insurance providing coverage for vehicles under the control of the operator within a minimum of \$500,000.
 3. The licensed valet parking operator shall maintain worker's compensation and employer's liability insurance for its employees in accordance with the requirements of the laws of the State of New Jersey and all other applicable laws and regulations.
 4. The operator shall maintain comprehensive automobile liability insurance covering the operator for claims arising from all owned, hired and non-owned vehicles with a combined single limit not less than \$1,000,000 for bodily injury and/or property damage each accident.
 5. The operator's certificate(s) of insurance shall evidence the coverage required above and shall be updated as necessary to ensure proof of compliance. The certificate(s) shall evidence that the municipality shall be given at least 30 days' prior written notice of any intention not to renew any of the insurance required herein or of any intention to cancel or materially change such coverage, or any reduction in such insurance coverage.

7-17.7 Review and Issuance of Licenses.

Applications shall be forwarded to the City Clerk for a completeness review to ensure compliance with this article and other provisions of this Code, and to conduct such investigations of the application, including but not limited to review of driver history abstracts as may be required.

Applications shall be deemed complete / incomplete by the City Clerk within 30 days of receipt of said application, except that where sufficient cause is shown therefor, the municipality shall have such additional time as may be reasonably necessary to conduct its review and investigation.

Completed applications shall be reviewed by Mayor and Council at the next scheduled council meeting. Upon approval, Valet Licenses shall be issued by the City Clerk within 15 days.

Copies of licenses shall always be kept at the valet parking service area in operation and shall be presented upon request.

7-17.8 Term.

Licenses issued under this article shall be good and valid for one year from the date of issuance, unless a shorter term is mutually agreed upon between the valet parking operator and municipality.

The term shall be renewable for such additional one-year terms as may be authorized under the terms of the contract between the valet parking operator and municipality.

7-17.9 Suspension or Revocation.

Any license issued pursuant to this article may be permanently revoked or suspended at any time for any violation of law (including but not limited to wage theft laws), any

provision of this article or for other good cause shown, by the mayor and council after notice and an opportunity for a hearing.

7-17.10 General Regulations Applicable to Operation of Valet Service.

The following general requirements shall govern the operation of a valet parking service under a license herein authorized:

- (a) The operator's license shall be specifically limited to the valet parking service area and immediately adjacent sidewalk shown on a site plan approved by the municipality that shall be attached to and made part of the license.
- (b) Mobile stands, chairs, umbrellas, key boxes and any other objects necessary for the operation of the valet parking service shall be maintained on the immediately adjacent sidewalk with a clean and attractive appearance and shall be in good repair at all times and removed at the close of business each day. No such objects shall be attached, chained or in any manner affixed to any tree, post, sign or any other fixture, curb or sidewalk in the authorized area. The base of the mobile stand shall not exceed two feet by two feet in size. Any other objects that may be used shall be approved by the municipality and shall be shown on the site plan identified in subsection above.
- (c) The sidewalk area covered by the license shall be maintained in a neat and orderly appearance at all times and the area shall be cleared of all debris as necessary during the day, and again at the close of business each day, in compliance with Ordinance Number 02-2024, Sidewalk Prohibited Uses.
- (d) The smoking of tobacco shall not be permitted in the sidewalk area covered by the license or valet parking service area during the operation of the valet parking service for purposes of protecting customers and individuals operating the valet parking service.
- (e) The license covers only the pedestrian and public right-of-way authorized thereby. Valet parking services and objects that may be necessary for the operation located on private property shall be governed by other applicable laws, regulations and ordinances.
- (f) The licensed operator shall be permitted to use up to two signs located on the sidewalk adjacent to the valet parking service area, each not exceeding four square feet in area and to be affixed to the valet parking service stand. Said sign(s) shall identify the business name, indicate that "valet parking" is offered and set forth the pricing.
- (g) The licensed operator shall provide claim tickets to customers identifying the operator's name, correspondence address, and a phone number for questions/ complaints.
- (h) The licensed operator shall maintain a key control booth on the sidewalk adjacent to the valet parking service area until all vehicles have been claimed or shall have a twenty-four-hour phone number for after-hours vehicle pick up information.
- (i) The public on-street right-of-way (valet parking service area) shall only be used for purposes of ramping of vehicles. No vehicles shall be stored in this area. A vehicle will be considered stored if it remains in this area for more than 10 minutes.
- (j) Employees of the licensed operator who operate motor vehicles shall have in their possession a valid driver's license in good standing and shall abide by this article, and all traffic safety laws, regulations and ordinances.
- (k) Employees of the licensed operator shall be in similar uniforms and wear on their uniforms name tags identifying their names.

- (l) Employees of the licensed operator shall perform their duties in a courteous and professional manner.
- (m) In the event of an emergency, the Police Director may direct the immediate removal or relocation of all, or parts of the valet parking service operation as may be necessary to respond to the emergency, including but not limited to the directing of traffic in and around the valet parking service area.
- (n) Under no circumstances shall the City of Lambertville or any of its employees, officers, agents, servants, or consultants be deemed responsible or liable in any way for any damage or loss of any kind resulting from actions which The City of Lambertville or its employees, officers, agents, servants or consultants may take in order to enforce this article, including but not limited to the removal of the operator's objects from the pedestrian or public right-of-way in the case of emergencies or temporary relocation of a valet parking service area.

7-17.11 Compliance with State Laws and Regulations and Ordinances; Wage Theft.

- (a) Nothing in this article shall be construed to relieve a licensed operator and its employees from compliance with any applicable federal and state law or regulation and it shall be the responsibility of each licensed operator and employee under this article to comply with all such federal and state laws and regulations, including without limitation state motor vehicle laws, federal and state wage and hour laws and state workers' compensation laws.
- (b) The licensed operator and its employees shall also comply with any other applicable ordinances and provisions of this Code pertaining to the health and economic welfare of employees, as may be adopted from time to time.
- (c) Valet company shall provide a State of New Jersey Business Registration, a Certificate of Good Standing with the State of New Jersey and provide the City with their Certificate of Insurance with the limits that include liability insurance and workers compensation.

7-17.12 Fees.

- License fee shall be set at \$150.00 for the first application, and \$100.00 for each renewal.
- Designated service ramping areas, whether located at metered spaces or not, will be charged at parking meter rates paid monthly by the applicant.

(d) 7-17.12 ENFORCEMENT

The provisions of this ordinance shall be enforced by Police Department.

7-17.13 VIOLATIONS AND PENALTIES

Any person(s) who is found to be in violation of the provisions of this ordinance upon conviction shall be liable to the penalty stated in Chapter 1 Section 1-5.

7-17.14 SEVERABILITY

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be independent section, subsection, sentence, clause and phrase, and the finding or holding

of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

7-17-15 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

INTRODUCTION AND FIRST READING: September 19, 2024

PUBLIC HEARING AND SECOND READING: October 24, 2024

- b. ORDINANCE NUMBER 19-2024: *An Ordinance to Amend the Lambertville City Code, Board of Health, Food Licenses.*

NOTE: sent to County for review.

ORDINANCE NUMBER 19-2024

An Ordinance to Amend the Lambertville City Code, Chapter BH3, RETAIL FOOD ESTABLISHMENT CODE

§ BH3-4. DEFINITIONS. [Ord. No. BH 13-2012 § BH3-4]

As used in this chapter:

COTTAGE FOOD ORDINANCE — Any person who holds a New Jersey cottage food operator permit.[Added 11-17-2022 by Ord. No. 30-2022]

FOOD TRUCK - Shall mean a large vehicle equipped with facilities for cooking where food is served, handled or provided for the public.

MOBILE VENDOR - Shall mean a temporary setup, including but not limited to a tent, booth or cart, where food is served, handled or provided for the public.

NONPROFIT/COMMUNITY SERVICE ORGANIZATION — Shall mean those organizations which are exempt from tax by the United States Internal Revenue Service and which present to the Board of Health a tax exemption number which has been issued to them by that Federal agency and shall include those with a 501(c)3 status.

PERMANENT ESTABLISHMENTS — Shall mean those that are not temporary.

PERSON — Shall mean and include organizations, corporations, unincorporated associations, individuals, persons, any group of two or more persons or any other entity.

RETAIL FOOD AND BEVERAGE ESTABLISHMENTS — Shall mean any fixed or mobile restaurant; coffee shop; cafeteria; short-order cafe, luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; industrial vending establishment; private, commercial or non-profit organization, institution, or group-preparing, storing or serving food or beverages; catering kitchen; commissary; box lunch establishment; retail bakery; meat market; delicatessen; grocery store; public food market, or similar place in which food or drink is prepared for retail sale or for service on the premises, or elsewhere (sold for off premise consumption); and any other retail eating or drinking establishment where food is served, handled or provided for the public with or without charge; except that agricultural markets, covered

dish suppers or similar type of church or nonprofit type institution meal services shall meet the special provisions of N.J.A.C. 8:24-1.5; provided further, that any food and beverage vending machine shall meet the requirements of N.J.A.C. 8:24-4.12 (both of which sections are contained in Title 8, Health, Chapter 24 of the New Jersey State Sanitary code adopted herein).

TEMPORARY ESTABLISHMENT — Shall be defined as one in continuous service for not more than 3 consecutive days in the same location.

§ BH3-5. LICENSE REQUIRED. [Ord. No. BH1 3-2012 § BH3-5; amended 11-17-2022 by Ord. No. 30-2022]

a. It shall be unlawful for any person to conduct a retail food establishment as defined herein without first having obtained an annual license from the City Board of Health. It shall also be unlawful for any person to conduct said activities without complying with any or all the provisions of this chapter and N.J.A.C. 8:24-1.1 et seq. of the New Jersey State Sanitary Code.

b. No retail food establishment license shall be issued unless the retail food establishment has in its possession and on display a current satisfactory inspection certificate from the Hunterdon County Health Department dated within 12 months of the application for said license.

c. No cottage food operator license shall be applied for or issued unless the owner has in its possession, and on display, a zoning permit issued by the Zoning Officer of the City of Lambertville. The application for a zoning permit must include a satisfactory inspection certificate from the Hunterdon County Health Department dated within 12 months of the application for said license and must comply with § Z-520.1, Minor Home Occupation. After first obtaining a zoning permit, the owner/ operator can then apply for the State of New Jersey issued cottage food operator's license.

D. No food truck or mobile vendor shall operate in the City without first applying for and obtaining a license from the City Clerk's Office. An inspection certificate from the Hunterdon County Health Department is not a required prerequisite to apply for a license; however an inspection by a County Health Department inspector may be expected on the day of the event prior to operation.

§ BH3-6. LICENSE APPLICATIONS. [Ord. No. BH 13-2012 § BH3-6]

a. Each applicant for a license shall complete an application and provide all information requested on the application. When requested, each applicant shall provide further proof to the Board of Health of any representations contained in the application. Failure to do so shall result in the application being denied.

b. If there is a material misrepresentation or omission, any license issued on the basis of that application shall be revoked or suspended.

C. Food trucks and mobile vendors shall complete temporary event license applications for each date of intended operation in the City.

§ BH3-7. LICENSE PERIOD. [Ord. No. BH 13-2012 § BH3-7]

- a. Annual licenses for permanent retail food establishments shall be effective for a period of one year commencing on June 1 and expiring on May 31 of the following year and shall be renewable for succeeding years thereafter upon payment of the annual fee and compliance with the requirements of this chapter and all other applicable laws and regulations.
- b. Annual licenses for food trucks and mobile vendors shall be effective for a period of one year commencing on June 1 and expiring on May 31 of the following year and shall be renewable for succeeding years thereafter upon payment of the annual fee and compliance with the requirements of this chapter and all other applicable laws and regulations. Obtaining an annual license does not negate the requirement to submit event applications so that the City and County are informed of their intended dates of operation in the City.
- c. Temporary event licenses shall be issued for a period of time not to exceed 3 consecutive days in a single location.
- d. All applications for retail food establishment licenses, whether permanent or temporary, on forms prescribed by the Board of Health and the required fee shall be submitted to the Board of Health at least 20 days prior to the date of requested issuance or renewal.[1]

§ BH3-8. LICENSE FEES. [Ord. No. BH 13-2012 § BH3-8; Ord. No. 14-2017]

The annual license fees to be paid for issuance of a permanent or temporary retail food establishment shall be as follows:

a. **PERMANENT ESTABLISHMENTS:**

"Risk type 1 food establishment" means any retail food establishment that: 1. Serves or sells only pre-packaged, non-potentially hazardous foods; 2. Prepares only non-potentially hazardous foods; or 3. Heats only commercially processed, potentially hazardous foods for hot holding and does not cool potentially hazardous foods. Such retail establishments may include, but are not limited to, convenience store operations, hot dog carts, and coffee shops.

FEE: \$125.00 annually

"Risk type 2 food establishment" means any retail food establishment that has a limited menu; and 1. Prepares, cooks, and serves most products immediately; 2. Exercises hot and cold holding of potentially hazardous foods after preparation or cooking; or 3. Limits the complex preparation of potentially hazardous foods, including the cooking, cooling, and reheating for hot holding, to two or fewer items. Such retail establishments may include, but are not limited to, retail food store operations, schools that do not serve a highly susceptible population, and quick service operations, depending on the menu and preparation procedures.

FEE: \$200.00 annually

"Risk type 3 food establishment" means any retail food establishment that: 1. Has an extensive menu which requires the handling of raw ingredients; and is involved in the complex preparation of menu items that includes the cooking, cooling, and reheating of at least three or more potentially hazardous foods; or 2. Prepares and serves potentially hazardous foods including the extensive handling of raw ingredients; and whose primary service population is a highly susceptible population. Such establishments may include, but are not limited to, full-service restaurants, diners, commissaries, and catering operations; or hospitals, nursing homes, and preschools preparing and serving potentially hazardous foods.

FEE: \$300.00 annually

"Risk type 4 food establishment" means a retail food establishment that conducts specialized processes such as smoking, curing, canning, bottling, acidification designed to control pathogen proliferation, or any reduced oxygen packaging intended for extended shelf-life where such activities may require the assistance of a trained food technologist. Such establishments include those establishments conducting specialized processing at retail.

FEE: \$350.00 annually

B. TEMPORARY ESTABLISHMENTS:

- 1. Temporary food establishments which operate for one to three consecutive days in the same location: \$95.**
- 2. Temporary food establishments which operate for four or more consecutive days (not to exceed 14 days) in the same location: \$145.00**
- 3. Food Trucks intending to operate more than 20 days per year within the City limits shall apply for an annual mobile license: \$250.00**

C. Non-profit community service organizations including public schools, fire departments, and ambulance and rescue squads: an exemption from the license fee will be granted to all non-profit community service organizations with the filing of a copy of their current 501(c)3 or State of New Jersey Charitable Organization papers.

D. Public schools[1] , fire departments and ambulance and rescue squads: \$0

An exemption from the number of temporary licenses granted will be given to all nonprofit entities selling beverages and/or food during special events held in the City of Lambertville.

§ BH3-9. PUBLIC RECORD. [Ord. No. BH 13-2012 § BH3-9]

Three copies of the Sanitation in Retail Food Establishments and Food and Beverage Vending Machines of the New Jersey State Sanitary Code, N.J.A.C. 8:24-1.1 et seq., have been placed on file in the Office of the Secretary of the Board of Health and shall remain on file there for use and examination by the public.

§ BH3-10. VIOLATIONS AND PENALTIES. [Ord. No. BH 13-2012 § BH3-10]

a. LATE FEES.

Late submissions shall be assessed a late fee based on the following dates: Submission received between July 1st and July 31st shall incur a \$50 late fee in addition to the application fee. Submissions received after August 1st shall incur a \$100 late fee in addition to the application fee.

B. VIOLATIONS.

a. Any person who violates any provisions of or order promulgated under this chapter or Chapter 24 of the New Jersey State Sanitary Code (N.J.A.C. 8:24-1.1 et seq.) shall, upon conviction thereof, be punished by a fine of up to \$500.

b. The Lambertville Municipal Court shall have jurisdiction over proceedings to enforce and collect any penalty imposed because of a violation of any provisions of this chapter or Chapter 24 of the New Jersey State Sanitary Code (N.J.A.C. 8:24-1.1 et seq.). The proceedings shall be summary and in accordance with the Penalty Enforcement Law (N.J.S.A. 2A:58-10 et seq.); process shall issue at the suit of such local board and shall be either in the nature of a summons or warrant.

c. The Court may cause a person who refuses or neglects to pay the amount of a judgment rendered against him and all costs and charges incident thereto, to be committed to the County Jail for a period not exceeding 90 days.

d. In the event a person shall have been twice convicted within the space of six months of a violation of this chapter or Chapter 24 of the New Jersey State Sanitary Code (N.J.A.C. 8:24-1.1 et seq.), the Court may, in addition to the imposition of the penalty prescribed by paragraph a of this subsection, order the person to be imprisoned in the County Jail for any number of days not exceeding one for each dollar of the penalty.

e. In addition to the penalties set forth above, a conviction of a violation of this chapter and Chapter 24, N.J.A.C. 8:24-1.1 et seq. shall result in revocation or suspension of the license.

§ BH3-11. COMPLIANCE REQUIRED. [Ord. No. BH 13-2012 § BH3-11]

Nothing contained herein shall be deemed to exempt any retail food establishment from any licensing requirement.

INTRODUCED FOR FIRST READING: September 19, 2024

PUBLIC HEARING AND SECOND READING: October 24, 2024

- c. ORDINANCE NUMBER 20-2024: An Ordinance to Amend the Lambertville City Code, Chapter 7, Traffic, Section 7-7.2, Stop Intersection, To Add a Four-Way Stop at the York and North Franklin Street Intersection.

WHEREAS, the Governing Body wishes to amend the Lambertville City Code, 2014, Chapter 7, Traffic, to Add a Stop sign on the east and westerly side of York Street, to make the intersection a four-way stop, with existing Stop Intersection at North Franklin Street.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the Lambertville City Code, 2014, is hereby amended to include A STOP sign shall be installed on the east and west sides of York Street to create a four-way stop, with existing Stop signs on the North and South sides of North Franklin Street.

XI. ORDINANCES – SECOND READING

- a. ORDINANCE NUMBER 06-2024: *An Ordinance to Amend the Stormwater Control Ordinance.*

Posted separately due to the length.

Note: Planning Board review is scheduled for September 18, pending a quorum.

- b. ORDINANCE NUMBER 18-2024: *A Bond Ordinance to Fund the Purchase of Storm Sewer Video Equipment, Which May be Partially Funded Through a Grant from the County of Hunterdon.*

AN ORDINANCE OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO AND EQUIPMENT FOR THE CITY'S STORM WATER MANAGEMENT SYSTEM WITHIN THE CITY, APPROPRIATING \$131,250 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$124,685 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE CITY TO FINANCE THE SAME.

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 or purpose described in Section 3 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 hereof, there is hereby appropriated the sum of \$131,250, including the sum of \$6,565 as the down payment required by the Local Bond Law. The down payment has been made 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 or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$124,685, 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 which the bonds or notes are to be issued is improvements to and equipment for the maintenance of the City's storm water management system, including but not limited to the acquisition of video equipment to monitor the condition of the installed infrastructure, and including all work and related materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or 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 authorized herein 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 note shall mature later than one year from its date. The 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 notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, 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 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 notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

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

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the City may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, is 10 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 \$124,685, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$10,000 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 improvement or purpose.

(e) The City reasonably expects to commence the acquisition of the improvement or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 1 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof, exclusive of the State Grant already appropriated herein, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the City is 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 as to rate or amount.

Section 9. The City Council hereby covenants on behalf of the City to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

XII. MAYOR’S UPDATES/ONGOING PROJECTS/DISCUSSION

XIII. ANNOUNCEMENTS

a. CONVENIENCE CENTER HOURS:

- i. Saturday, October 5, 2024, and 19, 2024, from 9 am to 12 noon.
- ii. Wednesday, October 16, 2024, from 3 – 5 pm

XIV. PUBLIC PARTICIPATION

XV. ADJOURNMENT