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City of Lambertville

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City Response to Misinformation Circulated about Community Development

On April 9, 2020, the City received a copy of a letter authored by Jeff Tittel, who represents himself as the Chapter Director for the New Jersey Sierra Club, and who, it's important to note, is a Lambertville resident.

I am concerned as to why a progressive, nationally recognized organization, like the Sierra Club would [organize](#) around halting the production of much needed affordable housing in our community. To make matters much worse, the author has also published verifiably fabricated quotes and other misinformation in several venues, including call to action emails from the Sierra Club and letters to the Lt. Governor's office on Sierra Club letterhead. This includes entirely fabricating a quote from Adam Gordon of Fair Share Housing Center, which Adam Gordon has confirmed to the City and the Special Court Master [were not quotes that he gave the author](#). This was an intentional action on behalf of the author to confuse the public.

Throughout this letter, Mr. Tittel works to imply that the work of the City to provide affordable housing is a nefarious plot to push a larger development agenda. This type of implication is disingenuous and only serves to sow seeds of mistrust in the public rather than spur proactive conversation and deliberation. The Sierra Club, and Lambertville, deserve better. His distribution of fabricated quotes and information has done significant damage to the conversation about important financial, housing, and development issues in Lambertville.

Beyond the blatant lies and inciting accusations about the City's work, these communications show a glaring lack of understanding about the financial implications of the proposed Police Site project. This project will bring one time sale revenue and ongoing tax revenue on a currently untaxed site. This revenue offers much needed relief for existing tax increases that the city has been discussing with the community in public for the past year. This letter also makes sweeping claims about potential environmental damage, with no justification for those claims.

The author has refused to discuss these issues and/or engage in the public process of civil policy making when invited to do so. My administration and the City of Lambertville will continue to produce **facts** for the public and provide ample time for the public to discuss those facts. We will not entertain fiction presented as fact to confuse the public and derail open deliberation.

Yours in service,

Mayor Julia Fahl

For a full point-by-point response to the original letter distributed, please visit lambertvillenj.org

---- Letter begins ----

NEW JERSEY CHAPTER

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Lt. Governor Sheila Oliver, Commissioner
New Jersey Department of Community
Affairs 101 South Broad Street, PO Box 800
Trenton, NJ 08625-0800

April 7, 2020

Re: Concern that City of Lambertville is Moving Forward with Controversial Development
Project During the COVID-19 Health Emergency

Dear Lieutenant Governor Oliver,

The people of New Jersey are facing trying and unprecedented times. Governor Murphy has taken strong action and declared a State of Emergency. All residents in New Jersey have been directed to stay at home under Executive Order 107, and P.L.2020, c.11., which was signed into law on March 20, 2020, states that “a public body providing only electronic notice of a meeting pursuant to this subsection shall limit public business discussed or effectuated thereat to matters necessary for the continuing operation of government and which relate to the applicable emergency declaration.”

The Department of Community Affairs has identified that the language used was “broad,” and although it is meant to place some restrictions, it does define those restrictions.

The City’s affordable housing obligations, conditions and plans of City-owned facilities that require significant capital spending, including spending to rectify persistent workplace safety and health issues, and its budget, are all matters that are required to be addressed to allow the City government to continue operations.

Additionally, the needle has moved significantly even from when the original guidance was issued, as the odds that any large public meetings - where up to 100 people or more, many of whom are senior citizens, are congregated in a small room - can resume in the short-term are unlikely.

We are concerned because the City of Lambertville is trying to opportunistically use the coronavirus health emergency as cover to push through controversial projects, including a

development project in an environmentally sensitive area. This is in direct violation of P.L.2020, c.1.1. because this project is not related to keeping the government running or addressing the public health emergency. This also goes against the guidance of the Department of Community Affairs. Therefore, it should not be allowed to move forward until the coronavirus crisis is over.

The notion that the City of Lambertville sees an international pandemic as an opportunity, rather than as a devastating public health tragedy that has directly affected our community is abhorrent. The author suggests that the City is using a public health emergency “as cover” to “push” a proposed project through and uses misleading language. And the author also misrepresents the guidance provided by the Department of Community Affairs.

First, the City began working on these plans in the fall of 2019, and announced them to the community at the Mayor’s State of the City on January 31st 2020, after months of discussions with its court-appointed Special Master and Fair Share Housing Center during confidential settlement discussions. The day after the plans were announced, on February 1st the City held a Community Development Fair that had approximately 300 attendees from the community. Regular updates were provided to the community on the progress of discussing these plans in the meantime, many of which can be found online at lambertvillenj.org/communitydevelopment, and they were discussed at a follow-up “Fair” style public meeting on February 10th, videos and emails provided online on a dedicated Community Development webpage, as well as subsequent City Council meetings. The entire timeline of the project has been discussed publicly and has been available on the City’s website, and all of it began well before this current public health crisis.

Additionally, the City introduced an ordinance to amend a redevelopment plan at its February 21st meeting. Furthermore, the City’s Planning Board held a lengthy public hearing on March 4th to adopt an amended Housing Element and Fair Share Plan and to determine if the Amended Lambertville High School Redevelopment Plan was consistent with the master plan. The Planning Board adopted the amended Housing Element and Fair Share Plan and determined the Amended Lambertville High School Redevelopment Plan was in fact consistent with the Master Plan.

On March 19th, the Council intended to vote on a resolution to endorse the adopted Housing Element and Fair Share Plan and hold the public hearing on the Amended Lambertville High School Redevelopment Plan. Due to the public health concerns, the March 19th meeting was canceled and the hearing rescheduled for the April 23rd meeting to allow the City some time to familiarize itself with and schedule electronic meetings.

Again, any suggestion that the City is using a public health emergency, which if anything has delayed the project due to officials and staff spending time responding to this crisis, is a verifiable fabrication. The author attempts to use a public health crisis to help make a point that couldn’t have otherwise been made. This is an

insensitive and inappropriate way to engage on public policy questions. It disrespects the lives and livelihoods lost because of COVID-19. This statement also ignores those who currently are working to help people and communities in need, including many of the City's own staff. This argument is trying to shame and disparage the City staff because the author disagrees, instead of engaging on the central points of the argument. We request that future discourse from the author and the public be more conscious of our ethical obligation to discuss important topics carefully and accurately.

Second, the author frequently uses, including in this paragraph, the words "development" or "development in an environmentally sensitive area" to identify this project. These are also intentionally misleading statements. The project, which is the subject of a Court Fairness and Preliminary Compliance hearing on May 12th, addresses the City's affordable housing obligations in a less costly and risky way than the City's previous plans, which over-committed the City financially and would have required raising taxes on already burdened homeowners. It also addresses the City's crumbling facilities by addressing long-standing workplace health and safety issues, and the looming catastrophic financial obligations on taxpayers created by decades of inadequate deferred maintenance on these facilities (and other problematic financial practices). The author intentionally leaves this information out in their description.

Moreover, both components of the project have been discussed with not just the City's own engineering and planning professionals, which include surveying environmental issues, but with representatives from the Department of Environmental Protection. Most of Lambertville is in an "environmentally sensitive" area, and City officials have been proactive in reaching out to the appropriate stakeholders well before any legal requirements were to kick in. The City is working to ensure that any work does not have a negative impact. Many of the City's proposals would actually improve a number of issues, including stormwater management, and drainage from impervious surfaces into protected waterways, that currently are below the standards we consider appropriate.

During their regularly scheduled session on April 23rd, The City of Lambertville wants to move forward with an ordinance to set up a redevelopment plan for multiple large tracts of land. According to the agenda, "Ordinance Number 01-2020: an ordinance of the City of Lambertville. County of Hunterdon, State of New Jersey amending the Redevelopment Plan for the Lambertville High School Redevelopment Area, Block 1073, lots 1, 3, 5, 6, 7, 8, 9, 10, 11, 32, 33 and 33.01, block 1090, lots 4 AND 5, and block 1091, lots 1 and 1.01."

We are concerned because it would put a redevelopment zone on top of the City's police station and a 4-acre tract so that the city can sell it to a developer. As part of that zone they want to put a 5-story apartment building next to Alexauken Creek, which is a C1 stream and has a 300-foot buffer. Once the police station is gone, the City Council will need a new location for the police station. They want to use this ordinance as an excuse to force the City to pay for a \$14-16 million

City Hall Complex.

There are a number of fabrications as well as misrepresentations in these two paragraphs that each warrant a response.

First, while the City has approved an Amended Settlement Agreement with Fair Share Housing Center that identifies the police station site as a future inclusionary affordable housing site, the City has not actually authorized the Planning Board nor its Planner to prepare an area in need of redevelopment investigation for this site. Therefore, the site has not been declared a redevelopment area. A redevelopment plan cannot be introduced and/or adopted for this site until it is actually declared an area in need of redevelopment.

Second, the author ignores the comprehensive process that is in place to protect C1 Streams, and also ignores the fact that the City met with DEP representatives as well as flood engineers on site to discuss the pros/cons of the site and the restrictions on any construction that would be in place if we were to proceed.

Third, the author again employs misleading language “sell it to a developer” to suggest that the City would not be a good steward of the plan or property. It’s biased language that suggests that all development is bad. This statement also ignores the values and needs that this project intends to address for the community, not the least of which is looming catastrophic tax increases for our current tax payers and existing affordable housing obligations. It also ignores the benefit to the taxpayers (not harm) by selling public property, generating a) one-time revenue on the property sale, b) recurring revenue from a new rateable, and c) the additional non-vehicular based consumer traffic for the City’s nearby commercial districts.

Fourth, the author suggests that the City has developed plans for a five-story apartment building. This is another intentional mis-statement aimed at making the City’s plans sound “worse” than they are. The City performed a review of the site of varying building sizes to understand how many apartments (and how many affordable units) could fit from both the smaller to the larger end. Although the City reviewed five different building sizes, the author intentionally hides the fact that no option has been given any consideration or preference over any other at this point, and certainly none had been selected. Part of the consideration for the height of the building also depends on negotiations with property owners on the south-side of the lot regarding what parts of their properties could or couldn’t be part of a larger footprint that would reduce the building height as well as the ability of the ultimate redeveloper to obtain approvals from the Delaware and Raritan Canal Commission and the New Jersey Department of Environmental Protection. While the Amended Settlement agreement with Fair Share Housing Center indicates at least 23 units, including 5 affordable units, would be constructed on this site; the City is extremely far from understanding what size building will ultimately be

constructed on this site.

Fifth, the statement “They want to use this ordinance as an excuse to force the City to pay for a \$14-16 million City Hall Complex.” gets several things wrong.

1. The City is required to go through the process it’s going through, but in no way does performing the affordable housing aspect of this project “force” another decision. These actions are simply part of a comprehensive plan, which is good municipal governance to approach issues holistically instead of with tunnel vision or only focusing on one piece at a time.
2. Additionally, the author claims the building will cost \$14-\$16 million, which are numbers they have either intentionally exaggerated, or simply made up on their own. The City’s anticipated costs, this early in the process, are \$6 - \$14 million. The reason the calculation has a wide range is because the City is still extremely early in the process. Some of the calculation is based on the number of potential City owned buildings that could potentially be part of a sale. Also, two different grants were being explored to help fund it, which we have little guidance on yet. The author ignores the significant revenue that would be generated, the other funding opportunities, and distorts the presented information in an attempt to make a point that isn’t ultimately true. Suggesting that this project would be \$14-\$16m above the current baseline, whereas in reality, it would likely cost a similar amount or less compared to the existing plans and pathway the City is on, is intentionally disingenuous.

Lastly, although the author recently boasted in public comments on the record in a City Council meeting about how few Council meetings they have attended in Lambertville over the last fifteen years, we would suggest that their absenteeism in regards to engaging in local issues constrains their knowledge about what’s happening. Many important aspects to what they are commenting on were discussed in a series of Council meetings in 2019. Although it appears that the author portends to be an expert on this subject matter, they also appear to have reviewed none of the 100+ pages of documentation the City has provided in more than a dozen different presentations and memos that were all presented in public meetings and placed online that clearly show that this proposed project is actually something that saves the City’s taxpayers money. There is no scenario where it would be possible for this project to cost the taxpayers as much as he claimed.

This project takes away from important work that the City of Lambertville needs to be doing to deal with this health emergency and the finances of Lambertville. The City should be concentrating on dealing with the economic and public health impacts of the COVID-19 outbreak. It makes absolutely no sense to spend \$14 million on building a new City Hall Complex at a time of financial uncertainty when unemployment is rising. Hundreds of people in our community have been laid off, dozens of businesses are closed, and people don’t know how they will pay the mortgage or rent while they have been told to shelter in place. Moving forward with this development project is an

unconscionable move by an out-of-control mayor and city council.

The City agrees that responding to this emergency is its top priority, which is why all staff have been dedicating considerable resources to doing so. It is also why these projects have been delayed, and why the City has publicly discussed intentions to provide even more time for the community to engage and learn about the aspects of the process, in part due to the misinformation spread by individuals such as the author of this letter that has confused the public.

The author makes the same mistake regarding their assessment of the City's finances that was pointed out in the previous response. The author has willingly admitted that he missed all six previous budget presentations held in public City Council meetings last year. He seems to be unaware that this administration inherited several thousand dollars (more than \$3,000) of increases to the average assessed home over the next six years if drastic action isn't taken, including something like the solutions proposed here.

The language "out of control mayor and city council" is needlessly inciting, provides no value to the argument, and just serves as another example that indicates the author's own personal bias and inability to honestly engage with the subject matter.

They are live-streaming the meeting, which is unfair and discriminatory because people must have computers and internet access to participate. People who are disadvantaged, including low-income, elderly, handicapped, non-English speaking, and others do not have access to computers or do not have internet access at home. Families coping with distance learning for children, or multiple family members working from home at once, strains internet bandwidth and access to computers at home. There are many people in Lambertville who are opposed to this project but cannot participate because of more pressing concerns about the health and safety of their family, their jobs or their finances during this pandemic. The meeting will be held via Zoom, which is easily hijacked and limits the number of participants. This process is undemocratic and unsafe.

There are a number of fabrications and misstatements in this paragraph that should be addressed one by one.

"They are live-streaming the meeting, which is unfair and discriminatory because people must have computers and internet access to participate."

It is true that the City is live streaming virtual City Council meetings, under requirement and guidance from the Governor and Department of Community Affairs. The City is required to stream our meetings, because of the public health crisis. It is no different than the hundreds of public meetings being "live streamed" right now across New Jersey by every public body who still must meet to conduct business.

The statement “because people must have computers and internet access to participate” is another intentional fabrication. The City has been very open that the meetings are available by landline telephone for those without computer or internet access. The City has gone as far as to create a special “call-in” number on the City Hall main number to direct people to that information, and has used it’s “Reverse 911” system to send that information out to the community. That is the maximum access that can be provided. We have no awareness of any technology that allows a resident to watch or listen to a public meeting if they don’t have a computer, internet or landline telephone. If the author is aware of such technology, we would appreciate more information on it.

People who are disadvantaged, including low-income, elderly, handicapped, non-English speaking, and others do not have access to computers or do not have internet access at home.

Again, the idea that the internet is needed to listen to a meeting is a fabrication by the author. In fact, being able to listen from one’s own home, or anywhere in the country or world, to a Council meeting, is far more accessible to many people than requiring people physically come to an in-person meeting that is only at one time and place. This makes it much easier for most people to engage, and we have seen a large uptick in attendance of Council meetings from members of our community since they went virtual.

The City provides the exact same level of ADA compliance for these meetings as it did with its in-person Council meetings. No person who could attend a City Council prior is prevented from doing so now, unless they don’t have a computer or a landline telephone. Anyone mobility-impaired, for example, will likely have a significantly easier time engaging in City Council meetings now than before.

There are many people in Lambertville who are opposed to this project but cannot participate because of more pressing concerns about the health and safety of their family, their jobs or their finances during this pandemic. The meeting will be held via Zoom, which is easily hijacked and limits the number of participants. This process is undemocratic and unsafe.

There are many misleading and disingenuous statements here that only exist because the author believes they strengthen their argument. Two examples:

- 1. The author has no expertise or credible data on which to base their assertion that a) many people are opposed to the project who b) cannot participate.**
- 2. We had 76 members of the public attend our first virtual City Council, and 116 at our last one, very high numbers for a community of only 4,000 people, and much more than most meetings. We don’t believe more people attending Council meetings is an indicator of less access or democracy.**
- 3. Zoom meetings are not easily hijacked. They are only easily hijacked if the**

settings are done incorrectly or the software is used improperly. The City and its staff have been working diligently to ensure that public meetings run safely, smoothly, and provide ample time for public comment. This is another example of a statement the author attempts to make with conclusive power, but which they appear to lack the expertise or knowledge to be able to do so, and end up saying something inaccurate.

Given the seriousness of the COVID-19 outbreak, and the fact that this development project does not directly affect the running of the government or the public health emergency, we believe that the City of Lambertville should postpone voting on this issue. The public's right to participate in government decision-making is critical at all times. This project will promote growth and will change Lambertville forever. It will also exacerbate financial issues in the City, especially during this time of economic instability. This issue should be put on hold until freely accessible public input can once again be included.

The author's lack of knowledge about this project inhibits their ability to weigh in with value on this project and topic at-large. Suggesting that this is not necessary or that it will cost the City's taxpayers money is easily verifiably false. We have encouraged and continue to encourage the author to fully engage in these conversations, which includes attending more than three Council meetings in 15 years, and includes reading background materials, financial reports, and other information that has been provided to the community for the last nine months as the City has worked its way towards these proposals. The City and the Council aim to solve the City's looming tax increases, not create them.

If you have any questions, or if there is any additional information that I can provide, please feel free to call me at (609) 558-9100.

Although we have attempted to contact the author on multiple occasions, he appears to be more interested in writing inflammatory letters with false statements in public, rather than engaging any true dialog with any City stakeholders.

Sincerely,

Jeff Tittel
Director of the New Jersey Sierra Club

---- Letter Ends ---