



**City of Lambertville**  
**REGULARLY SCHEDULED SESSION**  
**THURSDAY, July 18, 2019, 7:00 PM**  
**PHILLIP L. PITTORE JUSTICE CENTER**  
**AGENDA**

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

Mayor Fahl called the meeting to order at 7:00 p.m. and 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:

*"Adequate notice of the regularly scheduled voting session held on July 18, 2019, has been provided through the posting of the annual meeting schedule, by emailing notice to the Hunterdon County Democrat and the Trenton Times and to various individuals on the list serve and posted on the city's website and bulletin board at City Hall in accordance with Section 13 of the Open Public Meetings Act."*

**ROLL CALL**

The City Clerk called the roll as follows:

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

*Absent:* None.

**PLEDGE OF ALLEGIANCE**

Mayor Fahl led the public in the Pledge of Allegiance.

**MOMENT OF SILENCE**

The City Clerk asked for a moment of silence in honor of those serving in the United States Armed forces in Country and Abroad.

**APPROVAL OF MINUTES**

Council President Asaro asked for a motion to approve the following sets of minutes as amended: 06-20-19 Regular Session Minutes and the 06-20-19 Closed Session Minutes. Councilman Sanders made a motion to approve the June 20<sup>th</sup> minutes. Mayor Fahl seconded the motion. An Affirmative voice vote was taken in favor of the motion by the majority of the governing body with Councilwoman Taylor abstaining. MOTION CARRIED.

Council President Asaro asked for a motion to approve the following sets of minutes: 07/02/19 Work Session Minutes, 07/02/19 Closed Session Minutes, and 07/08/19 Work Session Minutes. Councilwoman Taylor made a motion to approve the July meeting minutes as amended. Councilwoman Warner seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

**ADMINISTRATIVE REPORTS**

Council President Asaro asked for a motion to accept the following Administrative Reports: Clerk's Report – Cynthia Ege, CMR, RMC, Construction Official – Kenneth

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Rogers, Sub Code Official, Lambertville, Frenchtown, Court – Patricia Wozniak, Court Administrator, Finance – Christie Ehret, CMFO, Fire Official – Frank D’Amore, Police Department – Robert Brown, Lt., Public Works – Lester E. Myers, Jr., CMPW, Tax Assessor – Richard Carmosino, CMTA and Tax Collector – Cynthia McBride, CMTC.

Councilwoman Warner made a motion to accept the Administrative Reports. Mayor Fahl seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

**APPROVAL OF THE BILLS LIST**

Council President Asaro asked for a motion to approve the Bills List. Mayor Fahl made a motion to approve the bills list. Councilwoman Warner seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

**PROCLAMATIONS**

**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.*

Council President Asaro informed the members of the public present that Resolution Number 108-2019, the Salary & Wage for Frenchtown was being tabled.

Mayor Fahl Providing commentary on the following Resolutions:

Resolution Number 105-2019: Mayor Fahl recognized the Green Team for the City of Lambertville and said the Environmental Commission has been working diligently on the City’s Silver Level Sustainable Jersey membership and with the new Business Administrator, they will strengthen the application which is due in 2020.

Resolution Number 110-2019: Mayor Fahl commented that the CRS Committee was built by John Miller, a resident of the City and engineer. The function of the committee is to work on filing an application with ISO on the Community Rating System which will provide a discount on flood insurance based on the points the City earns with the application.

RESOLUTION NUMBER 104-2019: *A Resolution Authorizing the Green Team for Sustainable Jersey.*

**RESOLUTION NUMBER 105-2019**

*A Resolution to Establish a Green Team Pursuant to Sustainable Jersey*

WHEREAS, the governing body of the City of Lambertville strives to save tax dollars, assure clean air and water, improve working and living environments, and build a community that is sustainable economically, environmentally, and socially; and

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WHEREAS, the governing body of the City of Lambertville wishes to build a model of government which benefits its residents with green community initiatives which are environmentally and economically sound, easy to replicate, and affordable to implement; and

WHEREAS, in an attempt to focus on green issues, the Mayor and City Council of the City of Lambertville wishes to re-establish a Green Team;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the Green Team will be comprised of the following membership which will be nominated by the Mayor and confirmed by Council:

- Mayor Fahl;
- Councilwoman Warner;
- Full membership of the Environmental Commission;
- One member of the Shade Tree Commission;
- One member of the Recreation Commission;
- One member of the PennEast Pipeline Committee;
- The City Clerk;
- The Public Works Director;
- The City Business Administrator

BE IT FURTHER RESOLVED that the purpose of the Green Team is to:

- facilitate the successful completion of the requirements for re-certification of Sustainable Jersey;
- educate and encourage all city employees, residents, and businesses to participate in green initiatives;
- collaborate with public and private green committees to ensure the replication of best practices and to ensure a coordinated effort within the City of Lambertville;

BE IT FURTHER RESOLVED that the Green Team will consist of no more than 13 members who will serve a three-year term.

ADOPTED: July 18, 2019

**RESOLUTION NUMBER 105-2019: A Resolution Authorizing the Tax Redemption for Block 1051, Lot 10 in the Amount of \$853.41, Plus a Premium in the Amount of \$300.00.**

**RESOLUTION 105-2019**

*A Resolution Authorizing the Redemption of a Tax Lien for Block 1051, Lot 10 In the Amount of \$853.41, Plus a Premium in the Amount of \$300.00*

**WHEREAS**, Tax Lien Certificate 18-00008 issued on Block 1051 Lot 10 was sold to The Approved Realty Group LLC, PO BOX 869, Lakewood NJ 08701 on 06/21/2018 and

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

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**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 The Approved Realty Group LLC, PO BOX 869, Lakewood, NJ 08701 for the redemption of tax lien certificate #18-00008 in the amount of: \$853.41

In addition, the City is holding a premium in the amount of \$300.00

and upon redemption this is due back to the lienholder.

2 checks for the lienholder –

Check 1= \$853.41

Check 2= for premium= \$300.00

ADOPTED: July 18, 2019

**RESOLUTION NUMBER 106-2019: A Resolution Requesting Permission for the Dedication by Rider for the Donation Fund for Trees Required by N.J.S.A. 40A:5-29.**

**RESOLUTION 106-2019**

*A Resolution Requesting Permission for the Dedication by Rider for the City of Lambertville Required by N.J.S.A. 40A:5-29 for the Planting of Trees and*

*Required by N.J.S.A. 52:27D-192 et seq., Uniform Fire Safety Act Penalty Moneys*

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

**WHEREAS**, N.J.S.A. 40A:5-29, Donations, provides for receipt of Donations for the planting of trees by the municipality to provide for the operating cost to administer this act; and

**WHEREAS**, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Donations – Acceptance of Bequests and Gifts for the purpose of planting trees, are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or another legal requirement:

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the City of Lambertville, County of Hunterdon, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Donations – Acceptance of Bequests and Gifts for the purpose of planting trees.
2. The Clerk of the City of Lambertville, County of Hunterdon is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

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ADOPTED: July 18, 2019

RESOLUTION NUMBER 107-2019: *A Resolution Requesting Permission for the Dedication by Rider for the City of Lambertville Required by N.J.S.A. 52:27D-192 et seq., Uniform Fire Safety Act Penalty Moneys.*

**RESOLUTION 107-2019**

*A Resolution Requesting Permission for the Dedication by Rider for the City of Lambertville*

*Required by N.J.S.A. 52:27D-192 et seq., Uniform Fire Safety Act Penalty Moneys*

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

**WHEREAS**, N.J.S.A. 52:27D-192 et seq., Uniform Fire Safety Act Penalty Money by the municipality to provide for the operating cost to administer this act; and

**WHEREAS**, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Uniform Fire Safety Act Penalty Money for the purpose of fines and penalties, are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the City of Lambertville, County of Hunterdon, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Uniform Fire Safety Act Penalty Money.
2. The Clerk of the City of Lambertville, County of Hunterdon is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

ADOPTED: July 18, 2019

RESOLUTION NUMBER 109-2019: *A Resolution to Authorize the City Clerk to Submit the Application to Jersey Central Power & Light for 21 Decorative Lighting Poles for the Holiday Season at a Rate of \$3.50 Per Light Per Day, for approximately 40 day, In an Amount Not to Exceed \$2,940.00.*

**RESOLUTION NUMBER 109-2019**

*A Resolution Authorizing the City Clerk to Submit the Application to Jersey Central Power & Light for 21 Decorative Lighting Poles for the Holiday Season at a Rate of 3.50 Per Light, Per Day, for Approximately 40 Days, In an Amount Not to Exceed \$2,940.00.*

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NOW THEREFORE BE IT RESOLVED by Mayor and Council of the City of Lambertville in the County of Hunterdon that the City Clerk is hereby authorized to Submit the Application to Jersey Central Power & Light for 21 Decorative Lighting Poles for the 2019-2020 Holiday Season at a Rate of 3.50 Per Light, Per Day, for Approximately 40 Days, In An Amount Not to Exceed \$2,940.00.

ADOPTED: July 18, 2019

**RESOLUTION NUMBER 110-2019: A Resolution Authorizing the CRS Committee of the City of Lambertville.**

**RESOLUTION NUMBER 110-2019**  
*A RESOLUTION OF THE CITY OF LAMBERTVILLE, COUNTY OF HUNTERDON, AND STATE OF NEW JERSEY, ESTABLISHING A PROGRAM FOR PUBLIC INFORMATION (PPI) COMMITTEE FOR PURPOSES OF PUBLIC OUTREACH IN THE NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY RATING SYSTEM*

**WHEREAS**, the National Flood Insurance Program (NFIP) Community Rating System (CRS) has three goals: (1) reduce and avoid flood damage to insurable property, (2) strengthen and support the insurance aspects of the NFIP, and (3) foster comprehensive floodplain management; and

**WHEREAS**, these goals need the understanding and support of the citizens, businesses and organizations within each community. Well informed people make better decisions and take steps to protect themselves from flooding by retrofitting their homes, buying flood insurance and planning actions to take during the next flood event, including but not limited to their support of local floodplain management efforts and measures to protect natural floodplain functions; and

**WHEREAS**, having an effective public information program which sets forth outreach projects to educate the community about flood risks will result in individuals more likely to take protection measures and buy flood insurance; and

**WHEREAS**, The Department of Homeland Security, Federal Emergency Management Agency (FEMA), has determined that the City of Lambertville's participation in the National Flood Insurance Program (NFIP) Community Rating System (CRS) has earned the community a Class 7 rating based upon its floodplain management activities implemented and qualifies it's citizens for a twenty percent discount of the premium cost of flood insurance for NFIP policies issued or renewed in the Special Flood Hazard Areas on or after October 1, 2016; and

**WHEREAS**, the City of Lambertville will need to reapply for its two-year cycle verification visit in 2020; and

**WHEREAS**, the City of Lambertville recognizes the importance of leading the community to be more disaster resilient and has engaged public input as early as July of 2011, forming teams to assist with the review of criteria and direct the Council on the best way to proceed.

**2011** (Richard Green, Carin Franzini, John Miller, Cindy Ege, Mayor DelVecchio).

**2012** (Paul Hamilton, Carin Franzini, Ken Bogen (County), Mayor DelVecchio, Ken Rogers, John Miller, Cindy Ege)

**2012** started mailing to lenders;

**2014** (Dave Burd, Ken Rogers, Cindy Ege, John Miller, Mayor DelVecchio)

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**2015:** Muriel Meserve, Marcus Rayner, Tom Eagan, Sandra Harris, Ken Rogers, Mayor DelVecchio, John Miller, Cindy Ege  
**2017:** John Miller, Elaine Warner, Tom Eagan, Sandra Harris, Pam Clyne, Marcus Rayner, Muriel Meserve  
**2018:** John Miller, volunteer CRS Coordinator, Elaine Warner, Councilwoman, Community Members: Muriel Meserve, Lambert Lane/Coryell Street, Marcus Rayner, North Union Street, Tom Eagan, Ferry Street, Sandra Harris, Swan Street, Pam Clyne, South Union Street

**NOW, THEREFORE, BE IT ORDAINED** on this 18th day of July, 2019 by the City of Lambertville, that:

1. The City of Lambertville wishes to continue its commitment to enhance public safety, protect property and preserve the natural functions of floodplains, and to reduce flood insurance premiums for its citizens by developing a Program for Public Information Committee in which to examine and execute public information initiatives.
2. The membership of the Program for Public Information Committee shall meet the following Community Rating System criteria and be appointed by Resolution of the Governing Body:
  - a) There must be at least five people on the committee.
    - a. Christiana Pollack, volunteer CRS Coordinator
    - b. Elaine Warner, Councilwoman
    - c. Zach Berliner of Fisherman’s Mark
    - d. Ryan Fuller, Insurance Agent
    - e. Community Members:
      - i. Muriel Meserve, Lambert Lane/Coryell Street
      - ii. Marcus Rayner, North Union Street
      - iii. Tom Eagan, Ferry Street
      - iv. Sandra Harris, Swan Street
      - v. Pam Clyne, South Union Street
  - b) There must be representation from the community’s floodplain management office – Ken Rogers, Flood Plain Administrator.
  - c) There must be representation from the community’s public information office, if one exists – Alex Torpey, Business Administrator and Cynthia Ege, City Clerk
  - d) At least half of the members must be from outside the local government (“stakeholders”).
3. Each of the members shall serve a one (1) year term effective upon the creation of the position by the Governing Body.

ADOPTED: July 18, 2019

**RESOLUTION NUMBER 111-2019:** *A Resolution to Authorize the Contract with Gov.Net for the Public Sale of Property No Longer Needed Through an Electronic Auction.*

**RESOLUTION NUMBER 111-2019**

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A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, IN THE STATE OF NEW JERSEY AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the City of Lambertville has determined that the property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, the City of Lambertville intends to utilize the online auction services of GovDeals located at govdeals.com and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Lambertville in the County of Hunterdon, State of New Jersey, that the City is hereby authorized to sell the surplus personal property as indicated on Schedule A on an online auction website entitled govdeals.com, and be it further

RESOLVED, that the terms and conditions of the agreement entered into between GovDeals and the City of Lambertville are available at govdeals.com and in the City Clerk's office.

ADOPTED: July 18, 2019

**RESOLUTION NUMBER 112-2019: A Resolution to Amend the Handbook and Policies and Procedure Manual, Updating Section 1, Resignation.**

**RESOLUTION NUMBER 112-2019**

*A RESOLUTION OF THE CITY OF LAMBERTVILLE, COUNTY OF HUNTERDON, AND STATE OF NEW JERSEY, AMENDING THE HANDBOOK AND POLICIES AND PROCEDURES MANUAL, SECTION 1, RESIGNATION*

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 Handbook and Policies and Procedures Manual, Section 1, Resignation is hereby amended to read:

An employee who intends to resign must provide at least two weeks' notice in writing to his or her Department Head with copy to the City Administrator. After giving notice of resignation, employees are expected to assist his or her Department Head and Department employees by (i) providing information concerning any upcoming matters or works in progress under their responsibility, including, but not limited to, current status, staff lead(s) and pending/upcoming action items; and (ii) cooperating in the training of a replacement. During the employee's last two weeks of employment, the employee may not use vacation time, except for time already approved for vacation prior to his or her notice of resignation and paid holidays. The City Administrator and/or Department Head will conduct a confidential exit interview during the employee's last week of employment, which will include discussion of any personnel matters such as benefits

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continuation issues including COBRA options, appropriate retirement issues and final pay. A COBRA notification letter will be sent to the employee’s home address on file with the City. The exit interview may also include an open discussion with the employee about his work in the Department and employment with the City generally. On the last day of work, the employee must return the Employee Identification Card, all keys and equipment.

ADOPTED: July 18, 2019

Council President Asaro asked for a motion to adopt the resolutions listed on the consent agenda. Mayor Fahl made a motion to adopt the resolutions. Councilwoman Warner seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

**I. ORDINANCES – FIRST READING**

ORDINANCE NUMBER 17-2019: *An Ordinance to Amend the Lambertville City Code, 2014, Chapter III, Article IV, Shade Tree Commission.*

Council President Asaro read the Ordinance into the record by title. Mayor Fahl introduced Art Legere, the former Chairperson for the Shade Tree Commission and asked him to step to the podium and give an overview of the ordinance.

Mr. Legere informed the members of the public present that he is currently the Vice Chair of the Commission. He said the ordinance was first written in 1953 and it wasn’t very complete. As time passed the commission found that there were things that occurred that were not covered under the ordinance. This updates the ordinance to give the Shade Tree Commission the authority needed to address the changes. The main thing is the ordinance was very broad and allowed for a lot of power. They wanted to focus their efforts to those trees within the City right of way. This also allows the city to set aside money for donations of trees.

**ORDINANCE NUMBER 17-2019**

*An Ordinance to Amend the Lambertville City Code, 2014, Chapter 3, Article IV, Boards, Committees, Commissions, Section 16, Shade Tree Commission*

**ARTICLE IV**

**BOARDS, COMMITTEES, COMMISSIONS**

**3-16 SHADE TREE COMMISSION.**

**3-16.1 Members; Appointment.**

- a. The Mayor is hereby authorized to appoint seven (7) persons to act and be known as the Shade Tree Commission for the City of Lambertville, N.J. In the event of a vacancy, the appointment of the new member shall be made to complete the unexpired term. All appointments, except to fill vacancies, shall take effect on January 1, and shall be for five (5) years. (1990 code §3-16.1; Ord. No. 10-2018)

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- b. Ord. No. 10-2018 creates two (2) additional positions on the Shade Tree Commission, changing the board from a five (5) member to a seven (7) member board. For the first year of the appointment, the first position shall be for five (5) years, expiring on 12/31/2023 and the second position shall be for a four (4) year appointment expiring on 12/31/2022. (Ord. No. 10-2018)

**3-16.2 Statutory Authorization.**

The provisions of N.J.S.A. 40:64-1 to 40:64-14 as amended wherein the amendments apply to a municipality shall be part of this section. (1990 code § 3-16.2)

**3-16.3 Purpose.**

The mayor and council of the City of Lambertville have determined that the preservation of Shade Trees and Shrubs within the City is beneficially linked to the health, safety, and well-being of the City's inhabitants, and enhances the aesthetic and historic character of the City. It is also recognized that Trees perform beneficial ecological functions related to air quality, temperature and noise modulation as well as control of storm water run-off. This article provides for the protection of Trees and Shrubs within the Shade Tree Commission's Jurisdiction Zone from indiscriminate destruction, harm to, or removal as set forth below.

The establishment of standards for the removal and maintenance of Trees and Shrubs existing on private property, that also share space within the Commission's Jurisdiction Zone, is in keeping with the recognition that actions undertaken on individual properties can have significant impact on neighboring properties. Land use and zoning regulations provide the framework for establishment and preservation of beneficial standards of environmental, social, economic and aesthetic land use management, which benefit the maintenance of a healthy urban forest and Tree canopy.

**3-16.4 Authority.**

The Shade Tree Commission shall have authority over policy, planning, management and maintenance of any and all Trees, Shrubs and vegetation that exist wholly within or whose drip line extends from private property into the Shade Tree Commission's Jurisdiction Zone. This authority will include but not be limited to entering onto private property for the purpose of inspection, advising, planting, removal, bracing, shaping, trimming, watering, fertilizing and treatment for disease.

- a. Private Property within the Jurisdiction Zone – Property owner is responsible for all matters pertaining to Shade Tree planting, removal, disease control and maintenance subject to Commission review and approval pursuant to terms and conditions set forth herein at the property owner's sole expense.
- b. City/Public Owned Property – The Shade Tree Commission is responsible for all matters pertaining to Shade Tree planting, removal, disease control and maintenance at the City's sole expense.

**3-16.5 Definitions.**

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*Applicant* – The Person submitting Shade Tree Action Request Form to the Commission.

*Caliper* – The measurement of the diameter of a Shade Tree at 12 inches above the ground. This measurement is used to determine the Shade Tree size for planting.

*Commission* – The Lambertville Shade Tree Commission

*Diameter at Breast Height (DBH)* – The diameter of the main stem of a Tree or the combined diameters of a multi-stemmed Tree measured 4.5 feet above the surface of the uphill side of the Shade Tree. Where roots have girdled upward, the measurement shall be taken from the beginning of the clearest uphill vertical trunk line. The top diameter of a stump less than 4.5 feet tall shall be considered the “DBH” of an illegally destroyed Shade Tree for the purpose of calculating recompense.

*Drip Line* - The radius of the Tree or Shrub extending from the trunk to the tip of the outermost branch.

*Jurisdiction Zone* – The area or space required or used for any public street, sidewalk or pedestrian walk way. The Jurisdiction Zone shall extend from the outer edge of the sidewalk or walkway to the outer edge of the opposite sidewalk or walkway. Where no opposite sidewalk or walkway exists, the Jurisdiction Zone shall extend to eight (8) feet beyond the edge of the street.

*Root Barrier* – Physical barriers that are designed to redirect root growth down and away from sidewalks and other infrastructure.

*Shade Tree* – Any Tree located wholly or in part within the Jurisdiction Zone, or on private property, which has a drip line or roots extending into the Jurisdiction Zone.

*Shrub* – A woody plant of relatively low height, having several stems arising from the base and lacking a defined single trunk which has a Drip Line or roots extending into the Jurisdiction Zone.

*Tree* – A woody perennial plant having a singular usually elongated main stem generally with few or no branches on its lower part.

*Shade Tree Action Request Form* – A standardized form available from the Commission that Shade Tree owners must submit to request approval for any Commission regulated action within the Jurisdiction Zone.

*Stump* – The part of the tree and its surface roots remaining after felling.

**3-16.6 Tree Maintenance Regulations.**

- a. The maintenance, care or removal of any existing or newly planted Shade Tree or Shrub as defined herein, which requires compliance with any provision of this ordinance shall be the responsibility of the property owner on whose property the Shade Tree or Shrub is located or whose property abuts the Jurisdiction Zone in which the Shade Tree is located. When a Shade Tree trunk is on a property line, the responsibility for compliance shall be with the Person whose property contains the largest percentage of Shade Tree trunk circumference.
- b. All mature Shade Trees shall be kept trimmed to a minimum branching height of ten (10) feet over streets and seven (7) feet over sidewalks, except where the Commission may require greater

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height clearances to eliminate traffic and other hazards. Shrubbery and any vegetation shall be trimmed back behind the edge of the sidewalk.

- c. Whenever, in the opinion of the Commission, a health or safety hazard is caused by a Shade Tree or Shrub, whether dead or alive, the Commission may issue a written order to the responsible property owner to take action to correct the condition. If after thirty (30) days from the date of the written notification from the Commission, the responsible property owner fails to take corrective action, the City may have the required work accomplished to correct the health or safety condition and shall bill the responsible property owner for the completed work.

**3-16.7 Acts Requiring Permission from the Commission.**

No Person shall do, or cause to be done, any of the following acts within the Jurisdiction Zone without the written approval of the Commission pursuant to the Shade Tree Action Request procedures detailed in Section 3-16.9 below.

- a. Plant any Tree or Shrubbery.
- b. Remove any Tree or Shrubbery
- c. Cut or trim branches greater than seven (7) feet above a walkway or greater than ten (10) feet above a street.
- d. Install or repair a sidewalk within four (4) feet of an existing Shade Tree or Shrub. (Ord. 9/21/53, §3)
- e. Install plants, or place planting containers, edging borders, structures, brick, stone, concrete, or any other hard material or surface about the base of Shade Trees or anywhere within the Jurisdiction Zone.
- f. Fasten or attach any sign, notice, rope, wire, electric attachment or any item to a Shade Tree.
- g. Close or obstruct any open space provided about the base or within the Drip Line of a Shade Tree.
- h. Engage in any actions, which might cause harm or death to a Shade Tree or Shrub.

**3-16.8 Conditions Applicable to Shade Tree or Shrub Removal.**

The removal of a Shade Tree or Shrub, if approved by the Commission, shall be conditioned upon the following:

- a. Planting of Replacement Shade Trees or Shrubs

The size and number of replacement Shade Trees shall be consistent with the approved Shade Tree Replacement Schedule per Section 3-16.10 and planted at the direction of the Commission, within one year of tree removal.

- b. Contribution in Lieu of Tree Replacement

Alternatively, upon approval of the Commission, a contribution shall be made to the Shade Tree Trust Fund within thirty (30) days of the approval date, the amount being based on the Shade Tree Replacement Schedule in Section 3-16.10. Failure to submit the contribution will constitute a

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violation of this section and be subject to the same penalty as if the Shade Tree in question had been removed without approval.

c. Stump Removal

The stump of any Shade Tree or Shrub shall be removed or ground down to twenty (20) inches below grade. Failure to remove the stump within one (1) year of Shade Tree removal may result in the City undertaking the stump removal process with the property owner being responsible for reimbursement to the City for any and all associated costs incurred.

**3-16.9 Shade Tree Action Request Procedures for Property Owners.**

a. Submission of Shade Tree Action Request Form

Persons wishing to undergo any of the above regulated activities, must first submit a Shade Tree Action Request Form via the City's website or by hard copy with the Commission. No request will be considered without a Shade Tree Action Request Form. All requests will be reviewed and considered at the first regularly scheduled meeting of the Commission occurring at least seven (7) days after the submission of the Shade Tree Action Request Form.

b. Applicant Attendance at Commission Meeting

Applicants are encouraged to attend the Commission meeting to present supporting documentation for their requests and to provide clarification where necessary, but attendance is not mandatory.

c. Commission Determination

1. The Commission shall review each Shade Tree Action Request Form and shall grant or deny said request. If the request is granted, it shall state in the approval the type or species of Shade Tree to be planted or removed, cut, trimmed or pruned or other action involving a Shade Tree and may set forth specifications for doing the same. It shall then be unlawful to take any action contrary to any and all specifications set forth in the letter of approval. Applicants will be notified in writing by regular mail of the Commission's decision.

2. The Commission may determine to waive or modify the requirements set forth herein where it finds that the site constraints impose significant limitations to the chances of survival or the long-term health of a replacement Shade Tree or of interference with utilities or pedestrian accessibility to the sidewalk.

d. Duty to Post Authorization During Approved Shade Tree Work

Persons issued a letter of approval by the Commission are required to post a copy of said letter in a visible location or present it upon request to any authorized representative of the City while work is being done by a contractor or by the property owner.

e. Duty to Comply with Commission Conditions and Requirements

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Failure to comply with any or all conditions set forth in the approval letter by the Commission may result in enforcement action by the Commission as if none of the conditions were met and the Shade Tree action had taken place without any prior approval.

**3-16.10 New and Replacement Shade Tree Requirements.**

a. Replacement Shade Tree Size and Number

The Shade Tree Commission shall require that all new and replacement Shade Trees be of a size of a minimum of two and one-half (2 ½) inch caliper and be planted in accordance with accepted planting practices as directed by the Commission. Any replacement Shade Tree must be provided in accordance with the following Shade Tree

Replacement Schedule:

<b>Shade Tree Replacement Schedule</b>		
<b>Live Regulated Tree(s) Removed/Destroyed</b>	<b>Required No. of Replacement Tree(s) (2 ½ inch caliper) per Tree(s) Removed/Destroyed</b>	<b>Replacement Fee per Tree in Lieu of Planting</b>
DBH of 1" to 4.99"	One (1)	\$400.00
DBH of 5" to 10.99"	Two (2)	\$800.00
DBH of 11" to 16.99"	Three (3)	\$1,200.00
DBH of 17" or greater	Four (4)	\$1,600.00

b. Annual Adjustment of Replacement Fees

The Shade Tree replacement fees contained in the Shade Tree Replacement Schedule may be reviewed annually and adjusted to reflect current pricing.

c. Shade Tree Selection and Placement

The Shade Tree Commission approval is required for determining the species, size and planting location of any new or replacement Shade Tree or Shrub within the Jurisdiction Zone.

d. Shade Tree Replacement Deadline

The property owner shall be required to replace any replacement Shade Tree or Shrub within one (1) year from date of notification of approval. Any replacement Shade Tree or Shrub must survive in good health for a period of two (2) years from the date of planting. If, in the opinion of the Commission, the replacement Shade Tree or Shrub dies or fails to thrive before two (2) years, that Shade Tree or Shrub must be replaced by the property owner. Any replacement Shade Tree or Shrub will be subject to the same conditions as contained in the original approval, for a period of two (2) years from the date of re-planting.

e. Payment in Lieu of Shade Tree Planting

When Tree removal permission is granted and the space on the property is inadequate for planting any or all of the new or replacement trees required, the Applicant shall make a monetary

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contribution to the City's Shade Tree Planting Trust Fund in lieu of planting. This contribution must be made within thirty (30) days of receiving permission for removal in the amount as defined under this section and pursuant to the Shade Tree Replacement Schedule in section 3-16.10.

f. Installation of Root Barrier

Whenever a new Shade Tree is planted within five (5) feet of the Jurisdiction Zone, a Root Barrier of a type and size approved by the Commission may be required.

**3-16.11 Shade Tree Planting Trust Fund.**

There is hereby established a "Trust Fund" account, which shall be known and designated as the "Shade Tree Planting Trust Fund."

- a. Funds from this account shall be separate and distinct from the Commission's annual budget and shall only be used for the purchase and planting of Trees and/or Shrubs for planting within the Jurisdiction Zone.
- b. Contributions or donations from individuals, groups or businesses, for memorial purposes or any other reason, may be made directly to the Shade Tree Planting Trust Fund.

**3-16.12 Protection of Shade Trees and Shrubs**

a. From Wires.

1. Duty to Protect Shade Trees

Any Person, having control over any wire for the transmission of electric current, telephone, cable or any other utility service along a public street, highway or Commission Jurisdiction Zone, shall at all times guard all Shade Trees and Shrubs from injury caused by the wires or from the current carried by them.

2. Duty to Provide Notice

Prior to undertaking any work on the utility affecting any such Shade Tree or Shrub, the utility company shall provide at least ten (10) days' prior written notice to the zoning officer, Shade Tree Commission, and abutting property owner. The device or means used shall be subject to the approval of the zoning officer and/or Commission.

b. From Injurious Chemicals.

No Person shall permit any brine, gas or injurious chemicals to come in contact with the stem or roots of any Shade Tree or Shrub within the Jurisdiction Zone. (Ord. 9/21/53, §5)

c. From Actions Likely to Cause Tree Harm or Death.

No Person shall perform any intentional or negligent act that will more likely than not cause a Shade Tree or Shrub harm or death. Negligent damage shall include, but not be limited to, damage inflicted to the root system by machinery or cutting tools, storage of materials and soil compaction, change of natural grade above or below the root system or around the trunk; damage inflicted on the tree permitting fungus, pests or other

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infestation; pruning, which is so excessive that it threatens the health of the tree or thinning leading to the failure to thrive; paving over the root system with any impervious materials within such proximity as to be fatally harmful to the Shade Tree; or application of any toxic substance, including solvents, oils, gasoline and diesel fuel; trenching of roots; cutting, girdling or inflicting other severe mechanical injury to the trunk, roots or other vital sections of the Shade Tree; removing in excess of 20 percent of the live crown of the Shade Tree; causing damage by the operation of heavy machinery or vehicles; causing damage by the storage of materials; and/or deliberately or negligently setting fire to a Shade Tree. In addition, topping, tipping, or any similar improper pruning practices will automatically be deemed as harmful to, or destruction of a Shade Tree.

d. From Tree Climbing and Trimming Practices.

No Person shall perform any intentional or negligent act causing damage to a Shade Tree, including various Tree climbing practices, spiking, trimming, flush cutting, incursion into a designated root save area, and the use of climbing spurs or gaffs on trees not subject to removal that exposes the cambium of a Shade Tree to insects, decay organisms or damages the tree bark.

**3-16.13 Advisory Role of Shade Tree Commission.**

The Shade Tree Commission shall be given the opportunity to make timely review and determination to the Planning Board, City Council, City Engineer, and the Director of Public Works, as appropriate, regarding the following:

- a. The Shade Tree planting, location, number, species and size or Shade Tree removal as part of any City sidewalk and/or street construction projects.
- b. Shade Tree planting in connection with the site plan approval process for private developments.
- c. It shall not be necessary for the City to obtain approval to do any Shade Tree work on public areas owned in fee simple or rented by it, but no such work shall be done without consultation with the Commission.

**3-16.14 Educational Role of the Shade Tree Commission.**

- a. **Shade Tree Maintenance Information**  
The Shade Tree Commission shall provide information about trees to the public. This information will include, but not be limited to, proper planting and trimming practices, fertilizing, treatment and prevention of diseases and general maintenance of Shade Trees and Shrubs.
- b. **Recommended Shade Tree List**  
The Commission will also maintain a publicly available recommended Shade Tree and Shrub list. The list will identify native species and will recommend their use where, when or if the species is appropriate, available and best for a particular location.
- c. **Inter-agency coordination**  
The Commission may also participate in and coordinate with other agencies, Commissions, and organizations regarding the raising awareness of the importance of supporting an ecologically sensitive and biodiverse community.

**3-16.15 Interference with Shade Tree Commission Prohibited.**

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No person shall prevent, delay or interfere with any lawful work undertaken by the Commission or its authorized agent. (1990 Code §3-16.6)

**3-16.16 Penalty.**

- a. Any person who shall violate any of the provisions of this section shall be liable to the penalty in Chapter I, Section 1-5 for each and every such violation to be recovered as provided by law. (1990 code §3-16.7) (NJSA 40:49-5) The ordinances shall be enforced by like proceedings and processes. Enforcement thereof shall be the same as that provided by law for the enforcement of the ordinances of the City.
- b. Any public utility or cable television company that clears, moves, cuts, or destroys any Shade Trees, Shrubs, or plants for the purpose of erecting, installing, moving, removing, altering or maintaining any structures or fixtures, necessary for the supply of electric light, heat, power, communication, or cable television services upon any lands in which it has acquired an easement or right-of-way, shall not be subject to any penalty. This subsection shall not exempt any public utility or cable television company from any penalty or replacement assessment imposed for negligent or injurious actions as determined by the Commission.

**3-16.17 No liability for death or injury.**

Nothing in this chapter contained shall be construed to make the Shade Tree Commission or any member thereof, or any volunteer participating in a community forestry program as provided for by section 4 of P.L. 1996, c.135 (C.13:1L-17.4), responsible for the death or injury of any person, or for an injury to any property or highway tree or shrub. Liability for any such death or injury shall be governed by the provisions of section 16 of P.L.1996, c.135 (C.59:4-10) and any other relevant provisions of the “New Jersey Tort Claims Act,” N.J.S.59:1-1 et seq.

**3-16.18 Severability.**

If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, section or parts of this ordinance.

**3-16.19 Conflicting Ordinances.**

In the event this ordinance conflicts with or overlaps with any other ordinance, the provisions of this ordinance shall take precedence rendering inapplicable any conflicting or overlapping ordinance provisions.

**3-16.20 Effective Date**

The terms and conditions of this ordinance shall take effect upon adoption by the Lambertville City Council.

Introduced: July 18, 2019

Public Hearing: August 22, 2019

Mayor Fahl asked for Council comments.

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Councilman Sanders asked if the account for the donation of trees would be limited to use in the Shade Tree's jurisdiction? Mr. Legere responded that it is just for the area within the jurisdiction. If you wanted to fund the planting of trees in Ely Park you wouldn't be able to.

Councilwoman Taylor asked how does that apply where there aren't sidewalks. Mr. Legere responded that where the street ends, the jurisdiction is extended 8 feet over the property line. where no opposite sidewalk or walkway exists, the Jurisdiction Zone extends to eight feet beyond the edge of the street.

Mayor Fahl asked for comments from the public. There being no comments, Mayor Fahl asked for a motion to introduce on first reading, Ordinance Number 17-2019. Councilman Sanders made the motion to introduce and Councilwoman Taylor seconded the motion. An affirmative voice vote was taken in favor of this motion by all members present. MOTION CARRIED.

Mayor Fahl informed the members of the public present that the public hearing is scheduled for August 22, 2019.

### **ORDINANCES – SECOND READING**

ORDINANCE NUMBER 15-2019: *An Ordinance to Amend the Lambertville City Code, 2014, Chapter VIII, Municipal Parking Areas and Metered Parking, to Implement a Pilot Parking Program on Mt. Hope Street by Cavallo Park, on Coryell Street beginning at North Franklin and running west to Route 179, Using Parkmobile to Charge for Parking at a rate of \$1.25 Per Hour and to Amend the Hours of Parking on Sundays from 9 am to 9 pm.*

Mayor Fahl read the ordinance into the record and she asked the members of the public present to remain respectful while the council discusses the ordinance. She informed the members of the public that representatives of the Governing Body went through a process with representatives of the Churches. She commented that over the course of time, the City has been talking about ways to deal with the needs of our busy downtown in terms of parking and what we need to do this year and in upcoming years for parking and maintenance of the streets and the cost of those actions. During the budget hearing, Councilwoman Warner made the suggestion to change metered hours on Sundays to be uniform throughout the week beginning at 9 am and ending at 9 pm. The plan included increasing the number of meters, increasing the rate as well as increasing other fees and taxes to address the ongoing needs in the budget. She commended the citizens who worked with the Governing Body, including the residents of Coryell Street, who worked diligently with us all along at work sessions. This is never an easy decision. The goal was to allow us time to study the impact on residents on Mt. Hope Street and Coryell Street and if it was a significant impact, we would have time to address it. The City has discussed commissioning a formal parking study. Lambertville has parking problems, it

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may never be solved, and the goal here is to enable the board and the council to empower ourselves with data to make the right decision.

Mayor Fahl noted that the Governing Body heard from the two Churches, and representatives of the City met with Father Robert, Pastor Gregory and their Attorney John Lanza. City representatives offered some concessions to make it easier, such as an annual fee for parking. An annual parking permit that would allow you to park on Sundays from 9 am to 1 pm. The Mayor felt that was an extremely fair concession and we were willing to negotiate. The City was met by a legal team that made a significant threat to sue the City. Pursuing the new ordinance thus would be a fiscally irresponsible risk for the city, and the Business Administrator, the City Solicitor and the Governing Body have decided it was in the best interest to rescind the Ordinance at this time. It is the intent of the Governing body to move forward on significant parking changes over the next three years. She encouraged everyone present to come back to meetings and to get involved as we look toward rational solutions for ongoing problems and changes. The Mayor encouraged everyone to use the model of the Coryell Street residents and become engaged in the process and talk over concerns.

Councilwoman Warner addressed the members of the public. She said there has been significant challenges to the residents. As a Governing Body, we have held numerous discussions at work sessions regarding parking challenges and the expansion of meter hours on Sunday morning. She was dismayed by the Churches. This was her suggestion which was discussed by Council in addition to the metering of Cavallo Street and Mount Hope Street. The decision was not made to penalize. While most didn't embrace it, they understood it. The City offered parishioners alternatives; all were considered unsatisfactory by the attorney. This interaction is troubling. She encouraged members of the public to stay involved and asked that they continue with mutual respect.

**ORDINANCE NUMBER 15-2019**

*An Ordinance to Amend the Lambertville City Code, 2014, Chapter VIII Municipal Parking Areas and Metered Parking, Article I Parking Lots, and Article II Parking Meters and Electronic Mobile Parking System Applications*

NOW THEREFORE BE IT RESOVLED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that Chapter VIII Municipal Parking Areas and Metered Parking, Article 1 General Provisions and Article II Parking Meters and Electronic Mobile Parking System Applications as follows:

**Article I – Parking Lots**

**SECTION 8-1, DEFINITIONS, AUTHORITY**

8-1.1 Purpose

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This article is adopted for the purpose of promoting the orderly and safe parking of motor vehicles and the minimizing of congestion of City owned property.

8-1.2 Definition

When any words and phrases are used in this article, the meaning respectively ascribed to them in N.J.S.A. 39:1 shall be deemed to apply to such words and phrases used herein.

8-1.3 Authority

This article is adopted pursuant to the provisions of N.J.S.A. 39:4-197 (l)g, and other pertinent provisions of N.J.S.A. 39:1 et seq.

Parking in a space which has been designated as “Permitted Parking Only” shall be limited to the lessee of the space, who must display a sticker on the passenger side rear window or a temporary permit to be displayed on the dashboard of the driver’s side of the vehicle and issued by the Clerk’s Office. All unauthorized vehicles parked in any of the designated reserved parking spaces in the lots owned, maintained and operated by the City of Lambertville shall be issued a notice of violation with a fine not to exceed one hundred dollars (\$100.00). In addition, said vehicles are subject to towing, the cost of which is to be borne by the registered owner.

8-1.4 Permit Parking

In addition to the metered parking spaces, there shall be parking spaces created which shall be available at all times by permit. The permits shall be issued by the City Clerk on a first come/first serve basis. Each spot shall be numbered to correspond with the permit number and available to the permit holder at all times.

8-1.5 Metered Parking

The City shall install parking meters in the parking zones as provided in this article immediately adjacent to each designated space. The meters are digital and will accept any combination of nickels, dimes and quarters.

8-1.6 Electronic Mobile Parking System Application

In addition to the metered spaces and permit spaces, the City shall designate parking zones where parking can be paid through the use of an Electronic Mobile Parking System Applications.

**SECTION 8-2, PARKING LOTS**

8-2 Parking Lots

(a) York Street Lot by Permit

Location: The municipal parking lot located to the rear of City Hall, 18 York Street, on the easterly side of North Union Street, between York and Delevan Street.

Restriction: This lot is restricted for the use of municipal employees (11 spaces).

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**Permits:** In addition to the eleven (11) municipal employee parking spaces, there shall be eight (8) parking spots, which shall be available to residents by permit only. The permits shall be issued by the City Clerk on a first come, first serve basis. Each spot shall be numbered to correspond with the permit number and available to the permit holder at all times.

**Handicapped Parking:** There shall be one handicapped parking space located by the elevator shaft entrance. This space shall be limited for use by those visiting 18 York Street, seven (7) days per week, Sunday through Saturday from 9:00 a.m. to 9:00 p.m. The time limit per vehicle shall not exceed two (2) hours.

(b) Perry Street (no fee)

**Location:** The west end of Perry Street between Clinton Street and the Delaware and Raritan Canal.

**Restriction:** There shall be diagonal parking only on the north side of the street.

(c) Buttonwood Street (no fee)

**Location:** The parking area located at the west end of Buttonwood Street between Clinton Street and the Delaware and Raritan Canal.

**Restriction:** There shall be diagonal parking only on the north side of the lot.

(d) South Main Street (Library) (meters and Electronic Mobile Parking System Applications)

**Location:** The municipal parking lot located to the rear of the Lilly Mansion on the easterly side of South Main Street between Ferry and Bridge Street.

**Restriction:** The lot is restricted to metered and Electronic Mobile Parking System Applications for up to twelve (12) hours.

(e) North Union Street Lot (meters and Electronic Mobile Parking System Applications)

**Location:** The municipal parking lot located on the easterly side of North Union Street between Bridge and Church Street.

**Restrictions:** The lot is restricted to metered and Electronic Mobile Parking System Applications for up to twelve (12) hours.

(f) Bridge Street Parking Lot (meters and Electronic Mobile Parking System Applications)

**Location a:** The parking lot is located on the westerly side of the bank located on the corner of Bridge and South Union Street.

**Location b:** The parking lot is located on the easterly side of Kline's Court and is reserved for bank employee parking during banking hours. Permits will be issued by the Clerk's Office for bank employees.

**Restrictions:** The lot is restricted to metered and Electronic Mobile Parking System Applications for up to twelve (12) hours.

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(g) South Union Street Lot (meters, Electronic Mobile Parking System Applications and permit)

Location: The municipal parking lot located on the westerly side of North Union Street, to the immediate back and side of the Phillip L. Pittore Justice Center.

Restrictions: The lot is restricted to metered and Electronic Mobile Parking System Applications for up to 12 hours.

Permits: In addition to the metered parking spaces, there shall be parking spaces created which shall be available at all times by permit. The permits shall be issued by the City Clerk on a first come/first serve basis. Each spot shall be numbered to correspond with the permit number and available to the permit holder at all times.

(h) Mt. Hope Street (electronic mobile parking system application)

Location: Mt. Hope Street west of South Union Street to Canal Street.

Restrictions: The lot is restricted to Electronic Mobile Parking System Application payments for up to 12 hours.

(I) Coryell Street (Electronic Mobile Parking System Application)

Location: Coryell Street the east side of North Franklin Street.

Restrictions: This portion of the street is restricted to Electronic Mobile Parking System Application payments for up to twelve (12) hours.

**Article II Parking Meters and Electronic Mobile Parking System Applications**

**8-3 Parking Zones**

**8-3.1 Establishment of Zones**

Parking meter zones are hereby established in the City. The zones shall be described in Sections 7-4.5 and 8-3.

**8-4 Installation of Parking Meters**

(a) Design

Each parking meter shall be so designed, constructed, installed and set that upon the expiration of the time period regulated, by the deposit of one (1) or more coins, as provided herein, it will indicate by appropriate signal that lawful parking period has expired, and during the period of time and prior to the expiration thereof, will indicate the interval of time which remains of such period.

(b) Prohibited Locations

No parking meters shall be installed in any of the areas where parking is prohibited pursuant to N.J.S.A. 39:4-138.

(c) Legend

Each parking meter shall bear thereon a legend indicating the days and hours when the requirement to deposit coins therein shall apply, the value of the coins to be

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deposited, and the limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located.

**8-5 Mobile Parking System**

- (a) City to Award a Bid with a company for the use of an application to permit users to reserve and park in a metered parking space for a fee.
- (b) The City shall install signage to inform the members of the Zone, the hours, and how they can utilize the system.

**8-6 Parking Spaces**

- (a) The City shall designate the parking spaces to be used by installing markings upon the pavement. Parking spaces shall be the appropriate length and width so as to be accessible from the traffic lanes of such street.
- (b) No person shall park a vehicle in any such designated parking space during the restricted or regulated time applicable to the parking zone in which the meter is located so that any part of the vehicle occupies more than one (1) space or protrudes beyond the markings designating the space, except that a truck which is the size too large to be parked within a single designated parking space shall be permitted to two (2) adjoining parking spaces when coins have been deposited in the meter or Electronic Mobile Parking System Applications has been paid for each space so occupied as is required in this section for the parking of other vehicles in such space.

**8-7 Applicability**

Municipal employees of the City of Lambertville, while on official City business, shall be exempt from paying metered parking fees. The City Clerk shall issue parking permits to all employees authorized and approved by resolution of the Governing Body. The parking permits must be displayed in the vehicles. A list of all parking permits issued to employees shall be provided to the Police Department.

**8-8 Penalty**

Any person violating one (1) or more of the prohibitions set forth in this article shall be liable to the penalties contained in Chapter I, Section 105, General Penalty. Any person who while on a municipal parking lot during legal parking hours, violates any pertinent provision of N.J.S.A. 39:1 et seq. shall be liable to the penalty provided for such violation.

The Police Department may have any vehicle parked in violation of this article towed away at the expense of the owner. In the event that a vehicle is towed away for illegal parking, it shall be stored in a safe place and shall be restored to the owner or operator of the vehicle upon payment of towing and storage costs. The location of vehicles which have been towed away may be ascertained by requesting such information from the Police Department.

A violation of Chapter 8, Sections 1 through 10 may be satisfied by payment to the Municipal Court of a fine of thirty-five (\$35.00) dollars plus any fees required by the State of New Jersey.

**8-9 Other Restrictive Provisions**

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The provisions of this subsection shall not relieve any person from the duty to observe other and more restrictive provisions of this subsection and the State Vehicle Code prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

**8-10 Prohibited Acts**

No person shall deposit or attempt to deposit in any parking meter any slug, button or any other device or substance as substitutes for coins of the United States currency.

No person shall copy a temporary parking permit for the purpose of obtaining free parking without the express approval of the Governing Body.

No person shall deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter.

No person shall permit a vehicle within his control to be parked in any such parking space during the restricted and regulated time applicable to the parking meter zone in which the meter is located while the parking meter for the space indicates by signal that the lawful parking time in the space has expired. This provision shall not apply to the act of parking or the necessary time which is required to deposit immediately thereafter a coin or coins in the meter.

No person shall park a vehicle in any parking space for a consecutive period of time longer than that limited period of time (twelve (12) hours) for which parking is lawfully permitted in the parking zone in which the meter or space is located, irrespective of the number of amounts of coin deposited in the meter or hours reserved through the Electronic Mobile Parking System Applications.

**8-11 Exception for Certain Holidays**

The parking regulations set forth in this article shall not be in effect and will not be enforced on New Year's Day, Easter, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving, and Christmas.

The Governing Body may suspend parking for any special events by adopting a resolution.

**8-12 Fees**

(a) **PERMIT FEES:** The fee for a permit shall be fifty-five (\$55.00) dollars per month with a late fee of ten (\$10.00) dollars if not paid by the fifth (5<sup>th</sup>) of the month. If the fee is not paid by the tenth of the month, the permit shall be null and void and available for issuance to another person. A list will be maintained by the City Clerk to be utilized in the event of a vacancy.

(b) **METER FEES:** Ordinance Number -09-2019 (*Previously approved effective date, June 11, 2019*)

The City shall install parking meters in the parking meter zones as provided in this article immediately adjacent to each designated parking space. The meters are digital and will accept any combination of nickels, dimes and quarters. A vehicle may lawfully park in such parking meter zones for a period of 10 minutes for a fee of twenty cents (\$.20), 30 minutes for a fee of sixty-two (\$.62) cents or an hour for a fee of one dollar and twenty-five cents (\$1.25).

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(c) DAILY RATE

For a fee of ten (\$10) dollars per day payable to the City of Lambertville, contractors regularly engaged in the maintenance field or vehicles involved for moving household goods may secure a sign to be secured to the meter allowing them to park in a metered space for that day.

(d) MOBILE RATES

(e) HOURS OF PARKING, TIME LIMIT

All metered parking and mobile parking system spaces throughout the City of Lambertville shall remain in effect between the hours of 9:00 a.m. through 9:00 p.m., Sunday through Saturday.

8-13 Restrictive Provisions

(a) Disabled Vehicles: No person shall park or place any disabled vehicle or permit any such disabled vehicle to remain in any such parking area without the express permission of the Police.

(b) Duty to Observe: The provisions of this article shall not relieve any person from the duty to observe other and more restrictive provisions of this chapter and the State Vehicle Code prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

(c) Penalty: Any person violating one (1) or more of the prohibitions set forth in this article shall be liable to the penalties contained in Chapter I, Section 1-5, General

(d) There will be a penalty fee of 50% of the price of ticket for all user errors with the mobile parking system application.

FIRST READING AND INTRODUCTION: June 20, 2019

PUBLIC HEARING AND ADOPTION: July 18, 2019

Mayor Fahl asked for Council comments:

Council President Asaro commented that the rush to litigation was disappointing. She thought we could work together on a mutual agreement. It cost the Church money and it cost the City money. If we had to go to Court it would cost more. In the past, we were always able to work together. At the end of the parking study, every one is going to have to compromise, it can't be a win/lose. She encouraged the Churches to back off of litigation and added that it causes animosity.

Mayor Fahl asked for a motion to rescind Ordinance Number 15-2019. Councilwoman Taylor made a motion to rescind the ordinance. Councilwoman Warner seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

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ORDINANCE NUMBER 16-2019: *An Ordinance to Amend the Lambertville City Code, 2014, Chapter 7, Section 4.7 Handicapped Parking, Adding Two Additional Handicapped Parking Spaces:*

Council President Asaro read the Ordinance into the Record by title. She informed the members of the public present that this will create two additional handicapped parking spaces, one in front of 50 York Street and one on the Main Street entrance, east side.

**ORDINANCE NUMBER 16-2019**

*An Ordinance to Amend the Lambertville City Code, 2014, Chapter VII Traffic, Section 4.7 Parking Restricted for Use by handicapped Persons, to Include a Handicapped Parking Space in Front of 50 York Street and on the East Side of Arnett Avenue*

NOW THEREFORE BE IT RESOVLED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that Chapter VII Traffic, Section 4.7 Parking Restricted for Use by Handicapped Person is hereby amended to include the following handicapped parking space:

In front of 50York Street; and  
East Side of Arnett Avenue (Main Street Side)

FIRST READING AND INTRODUCTION:        June 20 2019

PUBLIC HEARING AND ADOPTION:    July 18, 2019

Mayor Fahl opened the public hearing for Ordinance Number 16-2019 and asked for questions or comments. There being no public comment, Mayor Fahl asked for a motion to close the public hearing. Council President Asaro made a motion to close the public hearing. Councilman Sanders seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Mayor Fahl asked for a motion to adopt on second reading. Councilwoman Warner made a motion to adopt on second reading, Ordinance Number 16-2019. Councilwoman Taylor seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

**ONGONING PROJECTS**

Route 29 Road Diet: Mayor Fahl informed the members of the public present that there was a meeting on July 8 where the changes to Route 29 were discussed in detail. Mayor Fahl commented that this is a public health and safety issue. The plans are on the website for the public to view. This plan was initially designed in 2003, so this is a two-decade long project. DOT is footing the bill for the gross cost to the changes in the road and the city paid for engineering. This isn't a project with shovels in the ground,

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however does involve restriping and the removal of the guardrail in designated areas and it will add approximately 30 parking spaces to the area.

Councilman Sanders asked if there would be a disruption in the traffic pattern while they stripe Route 29. Mayor Fahl commented that she spoke with Syed at DOT and they believe this will be a two- and half-day project. The State will cone the road and paint around it and they do not plan on shutting down Route 29 but it does need to be done during the day.

Councilwoman Asaro asked of Syed agreed to take back the second turn around. The Business Administrator responded that the City Engineer submitted the final plans today and we are hopeful that the problem will be resolved.

Mayor Fahl asked for public comment on the Route 29 project.

Regina Mushrock asked if you would be able to make a left-hand turn onto 29 by Zanya's or do, we need to go to the Golden Nugget and come back. Mayor Fahl responded that Zanya's one of the largest businesses in Lambertville and we were able to resolve most of their problems. The turn will be difficult but overall the safety will increase.

Walter Dixson, Woodcrest asked if this included a beautification project to our gateway. Mayor Fahl commented that it is a goal of hers but in coming years. She wanted to focus on the safety issue first.

Kathy Williams asked if it was commercial parking if the City planned to meter it. Mayor Fahl said it was unclear at this time. If we do, it will likely be the by using an electronic mobile parking payment system.

Council President Asaro referenced the parking study that the City will be commissioning would drive that.

Bob Towle, South Main Street asked for additional details on the turn around. Mayor Fahl responded that instead of having the turn around at the very end, it will be directly by the last median break. The City will lose three parking spaces but it was an important note from the public. Mr. Towel commented that he is ok with the loss of parking as long as they can turn around.

LMUA and Swan Creek Flood Mitigation Project: Mayor Fahl informed the members of the public that this is an ongoing project for the last several years. She noted that the Governing Body has made a decision to move towards a Capital Improvement Plan with the Business Administrator to weigh all projects that need to be completed in the City. This will allow us to make smart decisions on spending. Because we are moving towards strategic spending with debt, she wanted to discuss removing this item from the agenda and adding it to the Capital Improvement Plan.

Councilwoman Warner commented that she has worked in both arenas for the last year and we are at a spot that would, in order to obtain further reduction in our rating, start

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to get painful for property owners when trying to make property improvements which may require them to elevate their buildings. This project ties into our overall CRS rating and our plan moving forward. I would like to see it continue on the agenda.

Councilman Sanders commented that the three floods were devastating and he feels it would be important to leave it on the agenda, especially to those folks who have been enormously patient as we try to find solutions. This was a big issue for this town in 2005, 2006 and 2009 and even as far back as 1999. He suggested an update outside this meeting, and stated that he felt it was important.

Councilwoman Taylor commented to put this into a larger budget, but weighing equally is an issue because it impacts their ability to live. How we weigh those decisions is important. Mayor Fahl responded that when she says equally, not weighting as the same. We need ongoing conversations with our extreme debt crisis, she wanted to make sure that this capital improvement project is understood in the context of the financial burden. She said it was difficult to have a standing meeting when a project is moving glacially slow and she is happy to hear everyone's concern.

The Business Administrator commented that the Governing Body is four to six weeks away from beginning the budget process for 2020. One of the first steps is collecting capital submissions, reviewing the history, and then proposed cost to do the work. He said he is happy to participate in whatever way necessary. Mayor Fahl responded that she appreciated his thoughtfulness. Mayor Fahl said she would leave it up to the Governing Body to decide on how best to proceed. Councilwoman Taylor responded that she would support removing it from the agenda until there was an update. Mayor Fahl responded that she would support holding a special council session or meeting with the residents so they are more engaged.

Tom Eagan, 43 Ferry Street expressed his gratitude for the support of this project. This is an important issue and the concern is that when this is taken off the agenda, it may be moved into an *ad hoc* special, and he feels it would be moving the project in the wrong direction, the move would deprioritize it, and make it easier for it not to be talked about.

Councilwoman Warner responded that this has been moving glacially slow and the part of the concern is that people may forget about the project. If it stays on the agenda, is that an acceptable outcome? We don't have movement, don't want it to be a source of frustration that it isn't moving forward. Mr. Eagan asked what the forum is? There hasn't been any update and the only decision is to take it off the agenda. He isn't hearing how we are going to keep it regularly updated? Last year, the forum was in the lobby, two dozen or so people came out. When it is an agenda item at the end of an hour and a half council meeting, he feels like he is a pain in the neck. He asked the Governing Body to find ways to advance the project. This is very awkward because you can't talk publicly about it and he commented that it could remain an agenda item and we could just say "no update," Where is the push? Mayor Fahl commented that she is actively working, she understands his position and appreciates that he comes to the meetings. However,

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the reason she made the suggestion is her concern that we need to be strategic and careful about bonding debt. She is committed to hosting meetings with residents when there is an update. Right now, things have not moved on this project. Councilwoman Warner asked about a monthly meeting. Councilwoman Taylor asked where the responsibility lies. Mayor Fahl said with the Mayor's Office. The LMUA improvements are linked with this project.

Judy Gleason, a resident of North Union Street asked if the city's AA bond rating changed. The Business Administrator responded that it did not change.

Mayor Fahl informed the members of the public present that the August 6<sup>th</sup> work session will address budget concerns, outlay the new budget process start to finish.

Garbage, Recycling and Food Waste/Third Can Program Update: Mayor Fahl informed the members of the public present that she would like to send this to the Environmental Commission for recommendations, comments on the next steps and to plan for the future.

Councilwoman Taylor responded that the difficulties that Public Works would have with checking the containers is concerning. The Business Administrator said the contents of the containers picked up need to be visually inspected, if they are not clean enough, the sticker goes on top. The contaminated items create an extra expense. The best way to education people is to just leave it. It will take more time and to reconcile the real cost of a food waste program. Councilwoman Taylor asked for the timeline and about the education piece.

Mayor Fahl commented that this was discussed at the Environmental Commission meeting during the "Ditching Disposables" meeting to review it. The plan is for the Environmental Commission to break out into a sub-committee whose sole role is to deal with the waste issue. The City is immediately moving on public education. This is a dyer situation and we have to do both at the same time. The initial suggestion was to make a visual about what can go into what container. The real public education component means going door to door and surveying current members of the composting program and that has to happen simultaneously. Councilwoman Taylor asked if that was just the food waste program or if it included recycling. Mayor Fahl responded just recycling. The City plans to send a mailer to all property owners. Councilwoman Taylor commented that she has learned a lot about recycling, and she thinks people want to do the right they, they just don't know what the right thing is. Mayor Fahl responded that everyone is failing at it. The silver lining is that we have a community that is willing to do it. We need to give them the tools, and with the help of the Environmental Commission, we will accomplish it.

Council President Asaro asked about the stickers. Mayor Fahl said the problem is the compost bins don't say "this is a compost bin." We need to rebrand it and slap a sticker on all of the units.

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Councilman Sanders commented that the immediate crisis is related to the food waste stream, right? Mayor Fahl said yes and Waste Management has been excellent with bridging our gap so we didn't lose service. The overall way we manage our waste is larger than a composting issue. The largest expenses and the largest department is public works. We need to set them up to succeed.

Karen Ogren, a resident commented that she visited the city's website and couldn't find anything that told her which numbers to discard. It was noted that additional information would be posted on the City's website shortly.

The Business Administrator responded that we have a new flyer which is more easily organized that lists trash, recycling and food waste. We also have a new project for recycling of plastic bags and we will talk about setting that up. We have a bunch of options for sharing the brochure and he asked that she send him an email tomorrow.

A member of the public commented that senior citizens don't do Facebook and asked that a flyer be mailed to the community. Mayor Fahl responded that the city is working diligently on it.

Kathy Williams commented that the restaurants need to be educated too. Mayor Fahl commented that they were part of the plan and the Environmental Commission is working on educating everyone who is in the program as well as those who are required to participate.

### **CONSTITUENT CONCERNS/NEW BUSINESS**

#### **BOARD APPOINTMENTS**

Mayor Fahl nominated the following people to serve on Commissions/Boards:  
Environmental Commission – Dann Connelly, Human Rights Council: Effie Castro and David Gardiner, Planning Board - Madeline Urbish and Zoning Board - Zac Anglin.  
Councilman Sanders made a motion to confirm the Mayor's nominations.  
Councilwoman Taylor seconded the motion. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

#### **CORRESPONDENCE**

*DAVID HANEMAN: Letter to Mayor and City Council regarding access to his driveway from Coryell Street.*

*STATE OF NEW JERSEY, DOT: Letter awarding the City with \$160,330 for the George Street Phase 2 Project.*

*PAULA GAVIN RAVAL: A letter from a New Hope resident objecting to the adoption of Ordinance Number 15-2019.*

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NEIGHBORHOOD RESIDENTS: *A Message to the Mayor and City Council Regarding the North Franklin and Coryell Street Community's Opposition to Ordinance Number 15-2019.*

#### **ANNOUNCEMENTS**

Lambertville is a Certified Community Wildlife Habitat! Thank you for the members of Lambertville Goes Wild for all of their hard work.

RABIES CLINIC: The City will host a free rabies clinic for cats and dogs on Saturday, September 21<sup>st</sup> from 1 – 3 pm at the Union Fire House located at 230 North Main Street.

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

Judy Gleason, North Union Street asked if the Governing Body had the opportunity to review the request of the businesses for the June 26<sup>th</sup> event and if it was a success. She said she hadn't heard anything more so she thought she would ask. Mayor Fahl responded that the city has not received any information but we are looking forward to the hearing about it.

Lauren Braun Strumfelds: commended the police department for their interaction with her children. The Bike Officer rewarded her children for riding their bikes with their helmets on and gifted them a certificate for ice cream from Owow Cow. She questioned the handicapped space for the Church on York Street because she drops her children off at Lambertville Academy and parking for drop off is very tight in that area. Lt. Brown said he would look into her request. She also asked for an update about the zoning for her area. The City Planner responded that she submitted a proposal to the Mayor for the rezoning of the residential units on North Union Street in the commercial zone. Once she is authorized to proceed, it will be authorized by ordinance, get sent to the Planning Board for comments and then back to City Council for adoption.

Michael Heffler thanked the Governing Body for their public service. He asked if the community aggregation project would be on the next meeting agenda and said last month it save residents involved in the program \$115,000. Councilwoman Warner will reach out to Zach Rich of the Township of West Amwell.

Janice Nemeth, a resident of 40 Delevan Street asked for an update on the George Street project. Mayor Fahl said that over the course of the last month, the city has been paying far more than the standard price for road projects. The Business Administrator has been looking through the projects and has been working on a way to complete the projects in the most cost-efficient manner. We are currently looking at the engineering of the project to see if there are cost saving measures before we bid the project. Hopefully it will be completed at the end of this season and if not the case in the beginning of next year. The Business Administrator agreed with the Mayor. He said if we can get things done quick enough, we may be able to resurface this year. The goal is to bundle this with

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the one of the other projects to bring the cost down. If we can't make it at the end of this year, we will do it next year. The money is already borrowed and we could go out to bid.

Ms. Nemeth informed the members of the Governing Body that there is a very large pot hole on George Street between Delevan and Jefferson Street. When cars pass, they splash water on the house. She asked if the City could fill the pot holes. Mayor Fahl said we would look into it. This is one of three streets we have identified work on and she wants to make sure we aren't diverting resources from other projects.

Christine Smith commented that she was excited to be at the first meeting with her children and thanked for opening with a moment of silence in honor of those serving in the United States Armed Forces. She questioned the city's need to increase metered parking hours. Discussion ensued.

John Lanza, a resident of 14 Hillside Court and an Attorney representing the Presbyterian Church and St. John the Evangelist Roman Catholic Church addressed the governing body about the increased metered hours for parking. He reviewed all of the services the Churches provide to the community with the members of the Governing Body. Mr. Lanza commented that there were two meetings with the Mayor and one of the meetings included Councilwoman Warner. There was no discussion of litigation or potential litigation and the only time it came up was when eliminating the exemption around the Churches was discussed. He was told it was not negotiable and studies are done before ordinances; in fact, it is required. The ordinance was introduced to raise general revenue for the city. When you enact an ordinance you have time frames, rights of the public to go to court and that is why this ordinance should never have been enacted before the study. Churches provide and have provided for years many many social advantages; food, shelter, clothing, room for social agencies to have their meetings, recreation, social events for the public, not dependent on denomination. All was done years before this ordinance. Churches do it without request for payment and all we asked for is an exception for four hours a week. This council wants to take this away from us. We won't stop doing it even if you take it away from us. I am sorry that you feel we have somehow mistreated you and came in without any sense of negotiations. This is Gettysburg for us and we will fight.

Dick Cushing, Clinton Street congratulated the new Business Administrator and said he added value to the City. Mr. Cushing questioned the reduction in the cost for road work and asked that it not cheapen the quality of the work. Mayor Fahl responded that part of her concern and the concern of the Business Administrator is that no one was overseeing the projects. Clinton Street was the Cadillac version of what a street should look like. The City will have a public meeting with the residents to go over the changes to the project. It will not be shotty work, it will be work that is of the highest quality that the city should come to expect but it will not be platinum street paving.

Mr. Cushing stated Mr. Lanza a friend, and he is hoping that the heat can go down a little bit here from the contention so there is a movement to collaborate. John is correct

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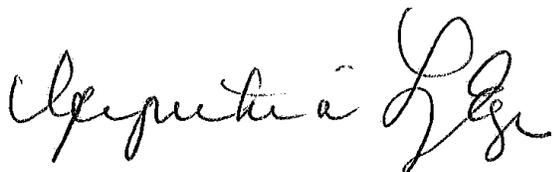
that the Churches do fabulous work. Mayor Fahl responded that at every meeting she acknowledged the work of the Churches and in the letter, there was a fundamental part of what makes Lambertville special. Mr. Cushing commented that it is important that they don't see this as an attack on religion. He suggested a continued dialogue with the Churches. Mayor Fahl responded that she proud of the tone set over the last seven months and the Council has helped to ratify it. This body is willing and able to engage in public discussion and it drives the best policy. She met with Mr. Lanza and his clients; she came to those meetings with a full heart believing we could come to a discussion. She was discouraged at the lack of compromise. However, the door is not shut and she looks forward to the next 6 to 12 months to work with each member of our community in such good stature as Father Robert and Pastor Gregory.

Pastor Gregory commented that he is the genesis of this issue. The second week of May he was informed by his parishioners of the parking change. He was told it was a done deal. He has been in this town for 13 years. When there is a zoning issue, a variance, people are informed. If they are affected by the matter, there is a comment period, study period. No one from the Mayor's Office contacted him. At that time, he contacted Mr. Lanza. For City Council to speak about me in a way or my Church without knowing me I think is reprehensible. Council President Asaro asked what was said to make him feel that way. Pastor Gregory responded that the Church was not willing to work with the City. He didn't intend to engage in a he said she said, about who called whom. Mayor Fahl commented that this was the subject at work sessions and many voting sessions. If your attempt to contact the city fell through the cracks, she apologized. Mayor Fahl commented that she didn't feel it was appropriate to engage and it will only escalate this issue. The Council will continue to work on necessary parking changes. She encouraged everyone to use all of the avenues, open public meetings with council, Mayor's office hours, accessibility by phone, email, it builds trust and policy.

**II. ADJOURNMENT**

The meeting adjourned at 8:53 p.m. with a motion made by Council President Asaro and seconded by Councilman Sanders. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Respectfully submitted,



Cynthia L. Ege, CMR, RMC, City Clerk

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*The July 18, 2019 voting session minutes were approved at the August 22, 2019 Voting Session.*