



City of Lambertville
REGULARLY SCHEDULED SESSION
THURSDAY, JUNE 25, 2020, 6:00 PM
VIRTUAL MEETING USING ZOOM
AGENDA – Amended 06-22-2020

Please use this link to obtain information for meeting participation:
<http://lambertvillenj.org/virtualmeetings>

I. STATEMENT OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

This meeting is being held in compliance with the Open Public Meetings Act with the Annual Notice advertised in Trenton Times, provided to the Hunterdon County Democrat and Trenton Times, the posting of the meeting agenda on the Bulletin Board at City Hall, on the City's website at www.lambertvillenj.org, on the exterior door of the Elevator Entrance at City Hall, and to department heads and the listserv. Please note an additional notice was advertised in the May 23, 2020 edition of the Trenton Times and the April 23rd edition of the Hunterdon County Democrat notifying the public of the need for a virtual meeting.

Instructions on how to participate in the meeting were emailed through the City's listserv, provided on a call-in message at City Hall, posted on the City's website at www.lambertvillenj.org and will be read into the record at the beginning of the meeting and again during Public Participation.

II. CLOSED SESSION: *A Resolution to go into Closed Session to discuss personnel issues related to the Business Administrator Contract and also Shared Services Contract with the Borough of Flemington and will reopen to the public at 7 p.m.*

RESOLUTION

“Authorizing a Closed Session at the June 25, 2020 Lambertville City Council Meeting to Discuss Personnel Issues Related to the Business Administrator Contract and also Shared Services Contract with the Borough of Flemington”

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lambertville that a closed session shall be held on June 25, 2020, via Zoom, to discuss the following matters: *Personnel Issues Related to the Business Administrator Contract and also Shared Services Contract with the Borough of Flemington.*

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

ADOPTED:

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

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

III. INSTRUCTIONS FOR THE PUBLIC ON HOW TO PARTICIPATE USING ZOOM AND CALLING IN

The public participation portion of the meeting will be taken under Agenda Item Number 18.

PARTICIPATION BY COMPUTER: If you are currently utilizing a computer to participate, you would click the “Raise Hand” button on the bottom of the screen. This will place you in a queue that I can see for when it is time to take public comments. People are sorted in the order they raised their hands. When I call on you, a message will pop-up asking if you want to unmute yourself. If you choose to move forward and place a public comment or question, choose to unmute, if you have changed your mind then choose to deny.

PARTICIPATION BY PHONE: If you are dialing in on your phone

DISPLAY OF YOUR PHONE NUMBER: To avoid having your phone number displayed on the screen, first dial *67, then the meeting phone number followed by the meeting identification number. Your phone number will not be displayed.

RAISE YOUR HAND: dial *9 to be placed in the queue. When called on, the system will ask you to confirm being un-muted to proceed.

You will be asked to state your full name and address into the record, then please feel free to make your comment or ask a question. You will remain unmuted while the governing body responds. Please make sure there is no background noise such as the T.V. on, music or loud chatter.

When public comments are finished, participants will be placed back on mute for the duration of the meeting.

Members of the Governing Body will raise their hand to make a comment or ask a question.

IV. ROLL CALL

Councilman Sanders, Councilwoman Taylor, Councilwoman Urbish, Council President Asaro, Mayor Fahl

V. PLEDGE OF ALLEGIANCE

VI. MOMENT OF SILENCE

VII. CITY ATTORNEY STATEMENT REGARDING COUNCIL SESSIONS

Based on the public health emergency caused by the COVID-19 virus, the State of New Jersey and the City of Lambertville have taken necessary action to ensure the continued regular operation of government.

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Pursuant to the Open Public Meetings Act, formal action by the Governing Body must be taken in public, at a meeting that is adequately noticed to invite public participation and maximum transparency. **Such requirements are not set aside during times of emergency, and therefore the City and its Governing Body MUST proceed with conducting these necessary meetings, in accordance with State law, and in a manner that ensures optimum transparency.**

Despite recent amendments to OPMA providing for electronic notice of any meeting, the City will continue to provide the standard statutory notice for its meetings by posting such notice in City Hall and publishing notice with The Trenton Times and Hunterdon County Democrat.

We would like to note the following, as the City has formulated a specific plan as to how to proceed with Governing Body meetings for the foreseeable future:

The OPMA, as amended, authorizes governing bodies to conduct public meetings through use of streaming services and other online meeting platforms. The City will utilize Zoom video conferencing, which also provides a dial-in feature if residents would prefer to participate by phone rather than video, as well as teleconferencing for those who wish to connect by phone only.

The City will continue to rely on the procedures currently in place for public comments directed to City officials during all meetings. **There will be no change to the City's public comment policy for virtual meetings.**

The City, at all times, will act within the requirements of the OPMA for meetings conducted during this public health emergency so that the City government can continue to provide services to the community, and the public can continue to participate and provide comments, without interruption.

VIII. MEETING MINUTES

- a. May 21, 2020 – completed and circulated
- b. June 9, 2020 – draft in process
- c. June 10, 2020 – draft in process

IX. BILLS LIST

X. COUNCIL DISCUSSION

- a. RECORDING COUNCIL MEETINGS
- b. TIME LIMITS FOR PUBLIC COMMENT
- c. SPENDING PLANS FOR COMMUNITY DEVELOPMENT
- d. REVIEW OF FEES DURING COVID19
 - i. KEEPING OUR CITY CLEAN/STREET SWEEPER

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- ii. Outdoor Seating,
 - 1. Existing with designated area: \$50 per seat
 - 2. New, temporary expanded outdoor seating in parking lot: \$50
 - 3. New, temporary Sidewalk Cafe application fee: \$50
 - 4. New, Temporary Streatery/Parklet application fee: \$50
 - 5. Shade Structure fee: \$54
 - 6. Fire Inspection fee:

XI. PROCLAMATIONS

MOMS DEMAND ACTION

PROCLAMATION DECLARING THE FIRST FRIDAY IN JUNE TO BE NATIONAL GUN VIOLENCE AWARENESS DAY

This proclamation declares first Friday in June to be National Gun Violence Awareness Day in the State of New Jersey to honor and remember all victims and survivors of gun violence and to declare that we as a country must do more to reduce gun violence.

WHEREAS, every day, more than 100 Americans are killed by gun violence and on average there are more than 13,000 gun homicides every year; and WHEREAS, Americans are 25 times more likely to die by gun homicide than people in other high-income countries; and

WHEREAS, protecting public safety in the communities they serve is among a legislator's highest responsibilities; and

WHEREAS, support for the Second Amendment rights of law-abiding citizens goes hand-in hand with keeping guns away from people that should not have them; and

WHEREAS, the pandemic facing America has drastically impacted communities and individuals sheltering in place which may result in situations where access to firearms results in increased risk in intimate partner violence gun deaths, suicide by gun and unintentional shootings;

WHEREAS, in January 2013, Hadiya Pendleton, a teenager who marched in the presidential inaugural parade and was tragically shot and killed just weeks later, should be now celebrating her 23rd birthday; and

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WHEREAS, to help honor Hadiya – and the more than 100 Americans whose lives are cut short every day and the countless survivors who are injured by shootings every day – a national coalition of organizations has designated June 5, 2020, the first Friday in June, as the 6th National Gun Violence Awareness Day; and

WHEREAS, the idea was inspired by a group of Hadiya’s friends, who asked their classmates to commemorate her life by wearing orange; they chose this color because hunters wear orange to announce themselves to other hunters when out in the woods and orange is a color that symbolizes the value of human life; and

WHEREAS, anyone can join this campaign by pledging to Wear Orange on June 5th, the first Friday in June in 2020, to help raise awareness about gun violence; and

WHEREAS, by wearing orange on June 5, 2020 Americans will raise awareness about gun violence and honor the lives of gun violence victims and survivors; and

WHEREAS, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands, and encourage responsible gun ownership to help keep our children safe.

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey declares the first Friday in June, June 5, 2020 to be National Gun Violence Awareness Day. We encourage all citizens to support their communities’ efforts to prevent the tragic effects of gun violence and to honor and value human lives.

SUPREME COURT’S JUNE 15, 2020 DECISION REGARDING LBGTQ CIVIL RIGHTS – *Proclamation is in the process of being written.*

XII. RESOLUTIONS

Draft reports, contracts and other documentation in draft form will be provided to the members of the public if they are adopted by the Governing Body.

CONSENT AGENDA:

1. **RESOLUTION NUMBER 76-2020: *A Resolution to Authorize the Mayor, City Attorney and City Clerk to Prepare and File the Discharge of Mortgage for Block 1003, Lot 8 As Shown on the Tax Map of the City of Lambertville, 304 N. Union Street, Orville and Bernadette Tillett, for Two Mortgages Filed in 1994 in the amount of \$20,000.00 and in 2003 in the amount of \$21,450.***

RESOLUTION NUMBER 76-2020

WHEREAS, the City of Lambertville filed the following mortgage notes with the County of Hunterdon for Orville and Bernadette Tillett for the property at 304 North Union Street, Block 1003, Lot 8 As Shown on the Tax Map in the City of Lambertville:

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October 3, 1994, In the Amount of \$20,000.00

September 25, 2003, In the Amount of \$21,450.00

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 mortgage notes for Orville and Bernadette Tillett for the property at 304 North Union Street, Block 1003, Lot 8 for the Small Cities Grants have been paid in full; and

BE IT FURTHER RESOLVED that and the City Clerk is hereby authorized to file the Discharge of Mortgage with the County of Hunterdon.

- 2. RESOLUTION NUMBER 77-2020: *A Resolution to Authorize the Redemption of a Tax Lien, Certificate Number 19-00014, for Block 1076, Lot 14, in the Amount of \$6,912.30 Plus a Premium in the Amount of \$7,800.00.*

RESOLUTION 77-2020

A Resolution Authorizing the Redemption of a Tax Lien for Block 1076, Lot 14 In the Amount of

\$6,912.30 Plus a Premium in the Amount of \$7,800.00

WHEREAS, Tax Lien Certificate 19-00014 issued on Block 1076 Lot 14 was sold to Light Properties LLC, 17 W Cliff St, Somerville, NJ 08876 on 08/15/2019.

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

NOW THEREFORE BE IT RESOLVED by Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the check is hereby authorized to Light Properties LLC, 17 W Cliff St, Somerville NJ 08876 for the redemption of tax lien certificate #19-00014 in the amount of: \$6912.30

In addition, the City is holding a premium in the amount of \$7,800.00 and upon redemption this is due back to the lienholder.

2 checks for the lienholder –

Check 1= \$ 6,912.30

Check 2= for premium= \$7,800.00

ADOPTED:

- 3. RESOLUTION NUMBER 78-2020: *A Resolution to Authorize the Refund of an Overpayment of First Quarter 2018 Tax Payment for Block 555, Lot 3, Verizon Property Tax in the Amount of \$5,590.42.*

RESOLUTION NUMBER 78-2020

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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 refund of the overpayment of the first quarter taxes for the 2018 Calendar Year made by Verizon for block 555, Lot 3 in the Amount of \$5,590.42 is hereby authorized.

4. RESOLUTION NUMBER 79-2020: A Resolution Requesting the Insertion of a Special Item of Revenue in the Budget of Any County or Municipality Pursuant to N.J.S.A. 40A:4-87 (Chapter 159 P.L. 1948)

**RESOLUTION REQUESTING THE INSERTION OF A SPECIAL ITEM OF REVENUE
IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A.
40A:4-87 (Chapter 159 P.L. 1948)**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of local Finance may approve the insertion of any special item if revenue in the budget of any County or Municipality when such item have been made available by Law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount.

WHEREAS, the Chief Financial Officer has certified that the City has received a grant in the amount of **\$9,279.30 for Clean Communities Grant.**

NOW THEREFORE, BE IT RESOLVED that the City of Lambertville hereby requests the Director of Division of Local Finance to approve the insertion of an item of revenue in the 2018 CY Budget in the amount of **\$9,279.30** which item is now available as revenue from the receipt of the **Clean Communities Grant.**

BE IT FURTHER RESOLVED that a like sum of **\$9,279.30** is hereby appropriated under the caption of:

OPERATIONS "EXCLUDED FROM CAP"

Clean Communities Grant \$9,279.30

BE IT FURTHER RESOLVED that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval, with a copy of the letter awarding the Grant.

ADOPTED

END OF CONSENT AGENDA.

RESOLUTION NUMBER 80-2020: Resolution Temporarily Relaxing Existing Ordinances And Procedures Associated With Review And Approval For Existing Restaurants And Food Establishments Provision For Outdoor Dining To Provide Assistance Under The Current Social Distancing Restrictions Enacted In Connection

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With The Ongoing, Coronavirus Public Health Emergency And Subject To The Rescission And/or Relaxation Of The Current “Stay At Home” Executive Order to allow for the creation of Sidewalk Cafes, Streateries, and Parklets.

RESOLUTION TEMPORARILY RELAXING EXISTING ORDINANCES AND PROCEDURES ASSOCIATED WITH REVIEW AND APPROVAL FOR EXISTING RESTAURANTS AND FOOD ESTABLISHMENTS PROVISION FOR OUTDOOR DINING TO PROVIDE ASSISTANCE UNDER THE CURRENT SOCIAL DISTANCING RESTRICTIONS ENACTED IN CONNECTION WITH THE ONGOING, CORONAVIRUS PUBLIC HEALTH EMERGENCY AND SUBJECT TO THE RESCISSION AND/OR RELAXATION OF THE CURRENT “STAY AT HOME” EXECUTIVE ORDER TO TEMPORARILY PERMIT SIDEWALK CAFES, STREATERIES AND PARKLETS

WHEREAS, on January 30, 2020, the World Health Organization declared the outbreak of the novel coronavirus (COVID-19) to be a Public Health Emergency of International Concern as human-to-human transmission; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared the novel Coronavirus to be a United States Public Health Emergency.

WHEREAS, on February 3, 2020, New Jersey’s Governor, Philip D. Murphy, issued Executive Order 102 establishing the New Jersey Coronavirus Task Force in an effort to monitor the spread of the Coronavirus within the State of New Jersey, the United States of America, and the entire world in order to facilitate necessary and appropriate action to ensure the safety and security of the residents of the State of New Jersey; and

WHEREAS, on March 4, 2020, the State of New Jersey reported the first confirmed positive case of Coronavirus throughout the State; and

WHEREAS, on March 9, 2020, Governor Murphy issued Executive Order 103 declaring a State of Emergency and a Public Health Emergency in response to the outbreak of the novel Coronavirus within the State of New Jersey; and

WHEREAS, on March 13, 2020, the President of the United States of America formally declared the outbreak of the novel Coronavirus to constitute a National Emergency pursuant to the National Emergencies Act (50 U.S.C. § 1601. et seq.); and

WHEREAS, on March 16, 2020, Governor Murphy issued Executive Order 104 enacting several “social distancing” regulations, including but not limited to, limiting public gatherings to no more than 50 people, closing educational facilities, closing various recreation and entertainment based businesses, imposed restrictions on scope of service and hours of operation for other non-essential retail, recreational, restaurants/bars and entertainment businesses; and

WHEREAS, on March 21, 2020, Governor Murphy issued Executive Order 107 which expanded the social distancing regulations set forth within Executive Order 104, including but not limited to, directing all New Jersey remain in their home or place of residence with specific limited exceptions, prohibited gatherings of any size, closed all non-essential retail businesses and identified essential businesses permitted to continue to operate subject to specific limitations, and reiterated and strengthened social distancing requirements when in public; and

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WHEREAS, on March 21, 2020, Governor Murphy also issued Executive Order 108 which specifically voided and precluded County and Municipal Governments from imposing or enforcing any restrictions/regulations that in any way would or might conflict with any of the provisions of Executive Order 107, with the exception of regulating online marketplaces for arranging or offering lodging, municipal or country parks, and beaches and boardwalks; and

WHEREAS, Executive Order 107 specifically regulates the continued operation of Bars/Restaurants and provides, in part, that “All restaurants, cafeterias, dining establishments and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, are permitted to operate their normal business hours, but are limited to offering only food delivery and/or take-out services in accordance with their existing liquor licenses;” and

WHEREAS, on June 3, 2020, Governor Murphy also issued Executive Order 150 which specifically allows restaurants, bars and other food or beverage establishments to provide in-person service at outdoor areas designated for food and/or beverage consumption in accordance with CDC and Department of Health safeguards; and

WHEREAS, Executive Order 150 requires restaurants, bars and other food or beverage establishments to limit the outdoor dining capacity to a number that ensures all patrons can remain six feet apart from all other patrons at all times, except for those patrons with whom they are sharing a table; and

WHEREAS, Executive Order 150 also requires restaurants, bars and other food or beverage establishments to ensure that tables seating individual groups are six feet apart in all directions and that individual seats in any shared area that is not reserved for individual groups, such as an outdoor bar area, are also six feet apart in all directions; and

WHEREAS, many restaurants or bars will not have sufficient outdoor space to serve their patrons, and thus may seek to use additional space for outdoor food and/or beverage consumption, including other areas of their property, such as parking lots, patios or lawn areas; and

WHEREAS, in the anticipation that the regulations, prohibitions, and social distancing requirements within the Governor’s Executive Orders may be relaxed and/or modified in the coming weeks or months, potentially permitting bars, restaurants, food and dining establishments and other retail establishments to operate at reduced capacities, the Mayor and Council of the City of Lambertville find it to be appropriate to temporarily relax its Ordinances, including but not limited to the procedures associated with review and approval in order to permit said establishments to locate tables and chairs out-of-doors on sidewalks in the City right-of-way or designated On-Street Parking Spaces, subject to the requirements and restrictions set forth herein and subsequent to the State of New Jersey rescinding and/or relaxing the restrictions of Executive Order 107 and/or any other directive prohibiting the same; and

WHEREAS, various representatives of the City of Lambertville and the Delaware River Towns Chamber of Commerce have discussed methods to assist and promote the economic development of local business in these extremely difficult times and have determined that the ability for local business’ to expand its available space on their private property will economically assist the businesses in the reduction of capacity caused by the social distancing requirements; and

WHEREAS, the Mayor and Council have determined that it is in the best interest of the City to temporarily relax the outdoor dining restrictions on local business establishments and to extend outdoor dining on sidewalks in the public rights of way or designated On-Street Parking Spaces under specific terms

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and conditions consistent with guidelines provided by the State of New Jersey and upon application and approval by the Business Administrator and/or his designee; and

WHEREAS, *N.J.A.C. 13:2-5.5* provides: “The Director [of Alcoholic Beverage Control] for special cause shown, may issue such temporary permits for such contingencies where a license is not expressly provided for by law, and such a permit would be appropriate and consonant with the spirit of the Alcoholic Beverage Control Act” and that “The Director may impose special conditions or requirements on any such permit;” and

WHEREAS, *N.J.A.C. 13:2-9.1* provides: “The rules of [*N.J.A.C. 13:2-1.1, et. seq.*] may be relaxed by the Director upon a showing of undue hardship, economic or otherwise, on a licensee; that the waiver of the rule would not unduly burden any affected parties; and that the waiver is consistent with the underlying purposes of Title 33 and the implementing rules.”; and

WHEREAS, pursuant to Special Ruling 2020-10, “the Director of the Division of Alcoholic Beverage Control (the “Division”) has determined it necessary to create a temporary permit, known as the COVID-19 Expansion of Premises Permit (“COVID-19 Expansion Permit”), to enable licensees and permittees to expand their licensed premises into outdoor areas, either contiguous or non-contiguous to their permanently licensed premises”, and

WHEREAS, Special Ruling 2020-10 also specifies that “licensees may apply immediately through the POSSE ABC Online Licensing System (“POSSE”), but no permit that is issued shall be effective before June 15, 2020”, and

WHEREAS, to the extent that Mayor and Council finds it appropriate to temporarily relax its Ordinances and procedures associated with review and approval in order to permit eating establishments to locate tables out-of-doors on sidewalks in the City right-of-way or designated On-Street Parking Spaces; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey as follows:

1. The statements that are set forth in the preamble are true and accurate. All of the statements of the preamble are repeated and are incorporated herein by this reference thereto and are made a part hereof as if each and every statement were set forth fully herein.
2. Effective by way of Resolution of the Mayor and Council of the City of Lambertville, on-street parking spaces to be designated by the City in consultation with the Police Lieutenant shall be closed to vehicular parking and traffic during the specific dates and times approved by the Business Administrator in order for restaurants and food establishments the ability to set-up outdoor dining areas subject to the approval provided below.
3. Effective immediately, the Business Administrator in consultation with the Police Lieutenant and Chief of the Fire Department, is hereby authorized to promulgate requirements, rules and regulations pertaining to the application for and the use of outdoor areas, both public and private, by local business establishments for outdoor dining consistent with the guidelines established by the State of New Jersey including but not limited to all COVID related safety precautions and measures during the effective dates of this Resolution.
4. Any and all business establishments of the City of Lambertville who wish to utilize the sidewalks in the public right of way and/or designated On-Street Parking Spaces for outdoor dining shall, prior to its

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use, complete and submit an application to the Business Administrator and/or his designee for review and approval.

Restaurants/Bars/Food Service Establishment – Outdoor Dining

5. The Business Administrator and/or his designee are hereby granted the authority and discretion to approve Outdoor Dining Plan Applications pertaining to existing “full-service bars/restaurants,” defined as “restaurants engaged in the preparation and service of meals/food,” subject to the review and approval of the Police Lieutenant, in order to permit said establishments to relocate existing tables/seating or locate new tables/seats to sidewalks in the City right-of-way and/or designated On-Street Parking Spaces during the designated times subject to the following requirements and restrictions:

A. Applicants who wish to relocate existing approved tables/seats to other locations, or to locate newly acquired tables/seats outdoors on sidewalks in the City right-of-way or designated On-Street Parking Spaces, shall be required to submit an Outdoor Dining Plan application, and a drawing depicting the proposed layout and location of tables/seating outside of said bar/restaurant, which shall also include but not be limited to, confirmation of the number of existing, approved tables/seats, a depiction of clearances/distances between tables and between the seating area outside and the curb-line, and an illustration, rendering, and/or photograph of all proposed furniture. Applicants shall also submit a brief written narrative describing the proposed method of serving food and beverages in the newly proposed areas. The Applicant should also include how the proposed plan conforms to all safety and precautionary measures relating to social distancing and COVID-19 related issues. The approval of any temporary Outdoor Dining Plan in relation to this Resolution shall be subject to the following conditions:

- i. Applicants may be permitted to relocate existing approved tables/seats and/or to locate newly acquired tables/seats to other locations on site, including sidewalks in the City right-of-way or designated On-Street Parking Spaces, subject to the review and approval of the City’s Business Administrator and/or his designee. Notwithstanding the provision of the Resolution, no tables/seats shall encroach on or obstruct the free flow of pedestrian traffic on the pedestrian walkways or any of its approaches. In addition, notwithstanding the provision of the Resolution, Applicants will not be permitted to increase the currently approved capacity for the Premises.
- ii. Applicants may be permitted to utilize sidewalks in the public right-of-way of the adjacent property owner for outdoor dining with the express written consent and approval by the adjacent property owner and business, which must be submitted with the Application.
- iii. Table/seats may be permitted to be located on the sidewalk in the City right-of-way provided a minimum 4 feet pedestrian walkway is maintained and provided for the general public, subject to applicable ADA requirements, such as providing passing spaces, at intervals of 200 feet maximum, that are 5-foot by 5-foot in dimension or, an intersection of two walking surfaces providing a T-shaped space with a 5-foot square minimum with arms and base a minimum of 3-foot wide.

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- iv. An approved tables/seats located in an “outdoor dining area,” defined as “a designated area on the premises of a retail food establishment or restaurant, but located outside of the principal building, and where patrons may sit at tables while consuming food and beverages ordered from and served by a waiter or waitress,” may be permitted to be utilized between the hours of 7:00 A.M. and 11:00 P.M.
- v. Applicants must submit a Litter Control Plan, which shall include a description of the number and location of trash receptacles proposed to service the outdoor dining area, and the frequency with which the outdoor dining area will be policed for litter in order to control the accumulation of trash/recycling.
- vi. Applicants must also acknowledge and agree to full compliance with all current and newly imposed safety and precautionary measures and guidelines established by the State of New Jersey relating to COVID -19.
- vii. The sale/service of alcoholic beverages in these locations shall be permitted, subject to compliance with any and all applicable ABC regulations/statutes, including but not limited to an extension of premises application, and subject to the review and approval of the City Clerk and Police Lieutenant. The approval of any extension of premises application to permit the sale/consumption of alcoholic beverages in outdoor dining areas shall be temporary and shall automatically terminate upon the State of New Jersey rescinding Executive Order 107, and/or the elimination of all social distancing regulations, and/or the expiration of the within Resolution and/or by way of Resolution of the Mayor and Council.
- viii. The City of Lambertville may permit the consumption of alcoholic beverages at tables/seats approved by the Business Administrator and/or his designee. However, said consumption of alcoholic beverages shall be limited solely to the tables/seats of the food establishment and not the City-sponsored seats in public parking lots or public land. Food establishments permitting alcohol to be consumed at the outdoor tables/seats located on sidewalks in the City right-of-way or designated On-Street Parking Spaces shall provide an Insurance Certificate naming the City of Lambertville as additional insured and showing coverage for BYOB (Bring Your Own Bottle) and/or serving alcoholic beverages outside their premises.
- ix. Applicants proposing to relocate existing tables/seats to sidewalks in the City right-of-way or designated On-Street Parking spaces shall indemnify and hold harmless the City of Lambertville, its employees, agents, and/or officers from all claims, losses, liens, expenses, suits and attorney’s fees arising out of the placement, operation, and maintenance of the Outdoor Dining Area. Applicants must name the City of Lambertville as an additional insured under the Applicant’s general liability insurance, bodily injury, property damage, and personal injury insurance policies, required to have a minimum limit of one million (\$1,000,000.00) Dollars, and provide proof of same to the Business Administrator, and proof that said policies have been amended to reflect coverage for the proposed outdoor dining area.

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BE IT FURTHER RESOLVED by the Mayor and Council of the City of Lambertville that Section 4-4 of the Code of the City of Lambertville, entitled, "Consumption or Possession of Alcohol in Public" shall not apply to the specific outdoor dining and tables and chairs approved by the Business Administrator and/or his designee on private property consistent with, and for the life of the within Resolution; and

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Lambertville that it hereby reserves the right to amend, terminate, or repeal this Resolution and/or any approvals granted herein at any point in time, if it determines that it is in the best interest of the health safety and welfare of the City, and accordingly no property rights are granted to any person(s) or entities by virtue of this Resolution and/or approval hereunder and any person(s) or entities electing to pursue temporary relief in accordance with the provisions of this Resolution are hereby given notice that the expenditure of any funds, or the incurrence of any costs, in reliance upon this Resolution and any approval hereunder shall be at their sole and exclusive risk and expense. All persons and/or entities are hereby given notice that the risk of loss for any expenditure and/or costs incurred shall be their sole and exclusive responsibility; and

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Lambertville that with the exception of the temporary relief and application process set forth herein relating to outdoor dining, existing and proposed bars/restaurants must comply with any and all other federal, state, county, and local laws and regulations, including any and all other existing zoning ordinances and/or general ordinances governing the operation of bars/restaurants; and

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Lambertville that in the event the Business Administrator, Zoning Officer and/or Police Department determines that a business establishment or person is in violation of the conditions of any temporary Outdoor Dining Plan approved in relation to this Resolution, the Business Administrator is hereby authorized to immediately revoke the approval received in relation to this Resolution; and

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Lambertville that the City Administrator, Zoning Officer and Police Department are hereby authorized and empowered to enforce this Resolution and the several provisions hereof as well as the conditions of approval for the use of outdoor dining; and

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Lambertville that that the Business Administrator is hereby further empowered to enforce the discretionary powers which are considered necessary in order to make the provisions hereof properly effective and useful for the benefit of the City and its businesses, including but not limited to the separation of the commencement of the application and approval process for outdoor dining; and

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Lambertville that in order to avoid injustice or the possible abuse of discretion and to correct the possibility of error in judgment, any Applicant, who's Outdoor Dining Plan application is denied by the Business Administrator and/or his designee, has the right to appeal to the Council by filing a notice of appeal with the City Clerk within thirty (30) days of the denial of said application. Upon receipt of any such notice of appeal, the Council will hear the appeal at its regular meeting, at which time the owner and any other persons appearing in the matter will be heard or afforded the opportunity to be heard. At the conclusion of said hearing, the Council will consider the matter, determine whether to uphold or overturn the Business Administrator and/or his designee's decision, and thereafter notify the owner of its decision; and

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Lambertville that the within Resolution and the authority delegated herein and the effects of any permission and/or approvals

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hereto are expressly conditioned upon Governor Philip Murphy relaxing the restrictions of Executive Order 107 and any other restrictions on residents of the State of New Jersey and essential and non-essential businesses and no action is authorized or permitted that would conflict with the actions and/or Executive Orders of Governor Murphy, or any rules, regulations, requirements, prohibitions, and/or guidance of the State of New Jersey and any of its Departments, Agencies, Divisions, including but not limited to the Office of Emergency Management; and

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Lambertville that this Resolution shall take effect immediately upon and subject to the provisions of Executive Order 150, specifically the provisions pertaining to the regulations upon the operation of restaurants and bars.

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Lambertville that the Business Administrator is authorized to commence the promulgation of requirements, rules and regulations pertaining to the application for and the use of outdoor areas, both public and private, by local business establishments for outdoor dining and the approval of same. Upon passage of the within Resolution, the Business Administrator and/or his designee is further authorized to accept and review said Applications; and

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Lambertville that, upon the effective date of this Resolution, all requirements of prior ordinances or parts of ordinances inconsistent with this temporary Resolution are hereby temporary suspended to the extent of their inconsistencies only; and

BE IT FURTHER RESOLVED, by the Mayor and Council of the City of Lambertville, that the within Resolution and all authorizations contained herein, including but not limited to the the designated On-Street Parking Spaces and the delegation of authority and any and all approvals to allow for outdoor dining permitted herein on public and private property shall remain in effect until further Resolution of the Mayor and Council of the City of Lambertville; and

BE IT FURTHER RESOLVED by the Mayor and Borough Council of the City of Lambertville that, except as provided for above pertaining to the promulgations of rules and regulations and the acceptance and approval of application, immediately upon Governor Philip Murphy’s rescission or relaxation of the restrictions upon the residents of the State of New Jersey and the operation of essential and non-essential businesses throughout the State of New Jersey, all City officials, employees and agents shall take all necessary actions to in order to effectuate the within Resolution; and

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Lambertville that should any section, paragraph, sentence, clause or phrase of this Resolution be declared unconstitutional or invalid for any reason, or not approved by the State of New Jersey, the remaining portions of this Resolution shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this Resolution are hereby declared to be severable.

ADOPTED at a meeting of the City Council of the City of Lambertville, Hunterdon County, on June 25, 2020;

Council questions or comments.

Public questions or comments.

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Call for a motion.

Call for the vote.

RESOLUTION NUMBER 81-2020: *A Resolution to Amend the Employee Handbook and to Authorize the Payment of Prescription Drug Compensation to Employees*

RESOLUTION NUMBER 81-2020

WHEREAS, the City of Lambertville would like Amend the Employee Handbook and expand employee benefits by providing prescription drug compensation; and

WHEREAS, bi-annual payout to those employees who are currently enrolled in the City's benefit program as follows:

Single: \$1,000.00
Husband Wife: \$2,000.00
Parent Child: \$2,000.00
Family: \$2,000.00

WHEREAS, Reimbursement will be paid out through payroll with zero deductions and will be charged in the budget against the Health Benefits 1 and will be coded towards the benefit line on employee W-2.

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 Business Administrator and Certified Municipal Finance Officer are hereby authorized to distribute payment to the employees who currently participate in the State Health Benefits Plan.

Council questions or comments.

Public questions or comments.

Call for a motion.

Call for the vote.

XIII. ORDINANCES – FIRST READING

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- a. ORDINANCE NUMBER 08-2020: *An Ordinance to Amend the Lambertville City Code, 2014, Chapter X, Recreation Commission, changing the name to Parks and Recreation.*

ORDINANCE NUMBER 08-2020

An Ordinance to Amend the Lambertville City Code, 2014, Chapter Two, Administrative Code, Article VIII, Department of Public Works, Parks and Public Property, Section 208.3 Board of Recreation Commissioners, Changing the Title to Board of Parks and Recreation Commissioners

NOW THEREFORE BE IT RESOLVED that the Board of Recreation Commissioners is hereby changed to read the Parks and Recreation Commission.

2-8.3 Parks and Recreation Commission.

Within the Department there shall be a Parks and Recreation Commission consisting of seven (7) members and two (2) alternates in accordance with the provisions of N.J.S.A. 40:12-1 et seq. and who shall be appointed by the Mayor with the advice and consent of Council. (Ord. No. 2003-03)

The functions of the Parks and Recreation Commission shall be to:

1. Plan and develop public recreational areas and facilities within the City;
2. Sponsor and administer the operation of playgrounds, facilities for indoor and outdoor sports, athletic and recreational programs and activities for children and adults, social centers, community centers and cultural programs and activities as may be established by the Governing Body.
3. Coordinate with the Mayor and Council and with Planning Board to determine future requirements for parks, open space, natural areas, and other recreational facilities;
4. Control and care for all lands, open space, playgrounds, and recreation places in a safe and wholesome condition for use and adopt suitable rules, regulations, and by-laws for the conduct of all persons while using such property.

(Ord. No 2010-28)

Introduced: June 25, 2020

Public Hearing: July 23, 2020

- b. ORDINANCE NUMBER 09-2020: *An Ordinance to Amend Chapter 7, Traffic, Section 7-13 Penalty, to Increase the Fees Collected by \$1.00 So as To Comply with the State of New Jersey's Increase in Fees for the DNA Fund.*

ORDINANCE NUMBER 09-2020

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An Ordinance to Amend Chapter 7, Traffic, Section 7-13 Penalty, to Increase the Fees Collected by \$1.00 So as to Comply with the State of New Jersey's Increase in Fees for the DNA Fund.

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 Section 7-13, Penalty shall be changed to read:

7-13 PENALTY.

a. A violation of the following subsections shall result in a fine as follows:

1. 7-4.2, Parking Prohibited During State of Emergency, subsection 7-4.8, No Parking Snow Emergency, may be satisfied by payment to the Municipal Court of a fine of thirty-six (\$36.00) dollars plus any fees required by the State of New Jersey;
2. 7-4.4, Parking Prohibited Certain Hours, may be satisfied by payment to the Municipal Court of a fine of twenty-six (\$26.00) dollars.

b. Unless another penalty is expressly provided by New Jersey Statute, every person convicted of a violation of a provision of this chapter or any supplement thereto shall be liable to the penalties contained in Chapter I, Section 1-5, General Penalty.

(HISTORY: Ord. #88-25, §4; Ord. #94-02, §1; Ord. #99-14, §1; 1990 Code §7-13; Ord. No. 26-2018)

INTRODUCED: June 25, 2020

PUBLIC HEARING: July 23, 2020

- c. **ORDINANCE NUMBER 10-2020**: *An Ordinance to Amend the Salary Range for the Officials and Employees of the City of Lambertville, County of Hunterdon, State of New Jersey*
Amended 06-23-2020

ORDINANCE NUMBER 10-2020

“AN ORDINANCE TO AMEND THE SALARY RANGE FOR THE OFFICIALS AND EMPLOYEES OF THE CITY OF LAMBERTVILLE, COUNTY OF HUNTERDON, STATE OF NEW JERSEY”

BE IT ORDAINED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey as follows:

SECTION ONE: The following shall be the range of compensation for the officials and employees of the City of Lambertville not covered by separate bargaining units:

Police Director/Officer in Charge	\$50,000 - \$130,000 (as per contract)
Business Administrator	\$90,000 - \$130,000 (as per contract)

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Senior Police Administrative Assistant	\$23,000 - \$55,000
Secretary, Part-time	\$11.00 - \$24.00 per hour
Crossing Guard	\$10.00 - \$20.00 per hour
Parking Enforcement Officer, Full Time	\$12.00 - \$25.00 per hour
Parking Enforcement Officer, Part-time	\$11.00 - \$25.00 per hour
Class II Special Police Officer	\$11.00 - \$30.00 per hour
Class III Special Officer	\$18.00 - \$35.00 per hour
Police Officer, Part-time	\$12.00 - \$45.00 per hour
Matron	\$12.00 - \$40.00 per hour
Court Administrator	\$26,000 - \$51,000
Violations Clerk/Dty Ct Admin Part Time	\$11.00 - \$25.00 per hour
Municipal Court Judge	\$10,000 - \$20,000
Municipal Court Judge, DWI	\$110.00 - \$175.00 per hour
Chief Financial Officer/Director of Finance	\$7,000 - \$55,000 or \$29 to 60 per hour
Bookkeeper/Deputy Treasurer	\$20,000 - \$60,000
Qualified Purchasing Agent	1,000.00 to \$5,000.00
Tax Collector	\$15,000 - \$43,000
Tax Assessor	\$20,000 - \$35,000
Tax Assessor, Reassessment work	\$5,000 - \$10,000
Mayor & City Council	\$500 - \$10,000
Municipal Clerk	\$50,000 - \$95,000
Deputy Clerk & Deputy Registrar	\$44,000 - \$65,000
Administrative Assistants	\$20,000 - \$55,000
Planning Board Administrative Officer	\$3,000 - \$10,000
Zoning Board Administrative Officer	\$3,000 - \$10,000
Zoning Officer	\$4,000 - \$15,000
Construction Code Official	\$17,000 - \$60,000
Electric Subcode Official	\$9,000 - \$20,000
Plumbing Subcode Official	\$4,000 - \$20,000
Fire Subcode Official	\$4,000 - \$13,000
Fire Prevention Official	\$10,000 - \$25,000
Sub Code Officials – Hourly Rate	\$18.00- \$45.00 per hour
Construction Control Person/TACO	\$18,000 - \$40,000
Substitute Official/Inspector	\$18.00 - \$40.00 per hour
Public Works Director	\$25.00 - \$55.00 per hour Or \$55,000 - \$70,000
Public Works Foreman	\$16.00 - \$40.00 per hour
Solid Waste Driver	\$15.00 - \$30.00 per hour
Solid Waste Collector	Minimum Wage - \$15.00 per hour
Truck Driver/Labor	\$14.00 - \$25.00 per hour
Labor	\$14.00 - \$25.00 per hour
Public Works Operator	\$15.00 - \$30.00 per hour
Librarian	\$15.00 - \$30.00 per hour
Children’s Librarian	\$14.00 – \$30.00 per hour
Library Assistant	Minimum Wage - \$25.00 per hour
Public Assistance Director	\$7,000 - \$30,000

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Animal Control Officer	\$4,000 - \$25,000
Historic Commission Secretary	\$250 - \$5,000
Hourly Rate for Part Time Work	\$11.00 - \$45.00 per hour
Director of Summer Program	\$30 - \$65 per hour/\$3,000 to \$10,000
Counselors of Summer Program	\$16 - \$45 per hour

This ordinance shall be retroactive to January 1, 2019.

INTRODUCED: June 25, 2020

ADOPTED: July 23, 2020

XIV. ORDINANCES – SECOND READING

XV. BUSINESS ADMINISTRATOR – Alex Torpey

XVI. COUNCIL MEMBER UPDATES

a. CENSUS – Councilman Sanders

Cut and paste this link in your browser:

<https://2020census.gov/?msclkid=d5669b5e0b1d1fd97e13c5343c771c39>

XVII. CORRESPONDENCE

XVIII. ANNOUNCEMENTS

a. CONVENIENCE CENTER HOURS: The Public Works Department is open Wednesday (June 17, 2020) from 3 to 5 pm for residents to drop off leaves and brush. They will also be open on Saturday, June 20 from 9 am to noon. For additional information, please visit the city’s website at: <https://lambertvillenj.org/newsfeed-pages/389-the-city-of-lambertville-convenience-center>

b. SPARKLE WEEK UPDATE: Sparkle Week will be held the first two weeks of August. Details can be found on the City’s website: <https://lambertvillenj.org/sparkle-week>

ZONE ONE, TUESDAY PICK-UP – AUGUST 4: Begins at Church Street and goes south to Route 29, includes Bridge Street, Ferry Street, Swan Street, Mount Hope Street and Canal Street. It also includes Curley Lane, Grants Alley and Washington Street.

ZONE TWO, WEDNESDAY PICK-UP – AUGUST 5: Includes Cottage Hill, Connaught Hill, and Music Mountain.

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ZONE THREE, THURSDAY PICK-UP –AUGUST 13: Begins at Church Street, runs north to Delaware Avenue.

ZONE FOUR, FRIDAY PICK-UP – AUGUST 14: Begins the north side of Delaware Avenue, runs north to Cherry Street, and includes Lamberts Hill and Blair Tract.

XIX. PUBLIC PARTICIPATION/PUBLIC CONCERN

PARTICIPATION BY COMPUTER: If you are currently utilizing a computer to participate, you would click the “Raise Hand” button on the bottom of the screen. This will place you in a queue that I can see for when it is time to take public comments. People are sorted in the order they raised their hands. When I call on you, a message will pop-up asking if you want to unmute yourself. If you choose to move forward and place a public comment or question, choose to unmute, if you have changed your mind then choose to deny.

PARTICIPATION BY PHONE: If you are dialing in on your phone

DISPLAY OF YOUR PHONE NUMBER: To avoid having your phone number displayed on the screen, first dial *67, then the meeting phone number followed by the meeting identification number. Your phone number will not be displayed.

RAISE YOUR HAND: dial *9 to be placed in the queue. When called on, the system will ask you to confirm being un-muted to proceed.

You will be asked to state your full name and address into the record, then please feel free to make your comment or ask a question. You will remain unmuted while the governing body responds. Please make sure there is no background noise such as the T.V. on, music or loud chatter.

When public comments are finished, participants will be placed back on mute for the duration of the meeting.

Members of the Governing Body will raise their hand to make a comment or ask a question.

XX. ADJOURNMENT

C: Department Heads, City Attorney, City Engineer, Posting on the bulletin board at City Hall, the exterior glass doors by the elevator room at City Hall, on the exterior glass door of the Justice Center, the website (www.lambertvillenj.org) and notice was sent to the Democrat, the Trenton Times, various individuals on the list serve, Delaware River Towns Chamber of Commerce listserv, and the Bucks County Herald.