

REGULAR MEETING
LAWRENCE TOWNSHIP COUNCIL
LAWRENCE TOWNSHIP MUNICIPAL BUILDING
COUNCIL MEETING ROOM – UPPER LEVEL

August 3, 2010

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, August 3, 2010 at 7:00 P.M.

The meeting was opened with a Prayer and Pledge of Allegiance, led by the Municipal Clerk.

At the commencement of the meeting Mayor Powers read the following statement of proper notice:

“Adequate notice of this meeting of the Lawrence Township Council being held on Tuesday, August 3, 2010, has been provided through the posting of the annual meeting schedule of said Council in accordance with Section 13 of the Open Public Meetings Act”.

The roll was then called as follows:

Present: Councilmembers Bostock, Kownacki, Mount, Puliti, and Mayor Powers.

Absent: None.

Also, in attendance were Richard S. Krawczun, Municipal Manager, and Kevin Nerwinski, Esq., Municipal Attorney.

Proclamations and Honors

There were no proclamations or honors.

Review and Revisions of Agenda

There were no revisions to the agenda.

Public Participation

Mr. Leonard DiDonato, 2 Tall Timbers Drive, stated he is Chair of the Carter Road Homeowners Association and he is present to discuss the long-standing non-conclusive Cellco matter. And, indicated Cellco which is comprised of Verizon and Cingular had a hearing before the Appellate Division in which they appealed the decision of the Lawrence Township Zoning Board and the Mercer County Court Judge regarding the installation of cell towers at the Carter Road as opposed to the Peterson's site, primarily because the Carter Road site does not fill in the "gap" that occurs on the northern end of Princeton Pike, which is an area not presently covered by existing cell towers.

Mr. DiDonato voiced his objection to the Township spending hundreds of thousands of dollars to fight Cellco's application for the Peterson's site, forcing them to erect the towers on Carter Road site; a site that they do not even want to build on and proceeded to discuss the Appeal that his Homeowner Association filed with the Appellate Court in reference to their disapproval of the erection of a cell tower at the Carter Road site; mainly, because the site is too small and the original deed is being violated and not used for the intended purpose. He further discussed some of the other factors relative to their opposition on the matter.

Mr. DiDonato advised that they have been notified of the documents Schedule of Submission and that their major Brief is due on August 9th, which is going to cost the Homeowners Association a lot of money. So, they ask their Attorney make a request to Mr. Nerwinski, Township Attorney and Mr. Roskos, Planning Board Attorney, for an Agreement to delay the filing of their documents until after the Cellco matter is decided upon by the Appellate Court which should take place some time in September or October. Subsequently, their Attorney received an email from Mr. Nerwinski advising that the Township is not willing to hold in abeyance the filing of their Brief documents and would like for the Association to dismiss the litigation all together.

Mr. DiDonato stated his objection to the Township denying their request and ruling in favor of a site that the cell companies are not interested in, as well as, favoring the cell companies over the constituents they represent, after which he did a final plea to the Council to grant their request to hold the filing of their paperwork in abeyance until after the Appellate Courts decision on the Cellco matter.

Mayor Powers stated because litigation is still pending and the legal ramifications Mr. DiDonato should not be discussing the matter with the Council. But, in defense of the Lawrence Township Zoning Board there was a violation of the Master Plan and the Zoning Ordinance with respect to what the corporations were attempting to do at the Peterson's site. So, the Township is justifiably defending the Zoning laws that were put in place to protect the citizens of Lawrence Township. In addition, Mr. DiDionato should not be asking the Council

for a favor when his Homeowners Association is the one suing the Township and costing the taxpayers additional money by bringing litigation against them. Instead, he should be seeking the advice of his Attorney with regards to the litigation. He then asked Mr. Nerwinski if he had any comments on the matter.

Mr. Nerwinski stated that the Carter Road Homeowners Association is a separate and complete distinct lawsuit filed against Lawrence Township and that the litigation has nothing to do with the Cellco matter or the matter on appeal. And, although he does not have the complete history before him he is sure the matter has been publicly discussed before with regards to how long it took Mr. DiDonato and his Attorney to do something other than file the lawsuit with the Court being they filed the lawsuit and did nothing else thereafter after asking for an emergent response from the Court.

Mr. Nerwinski advised that the next step was for Mr. DiDonato and his Attorney to serve the Township with the lawsuit which they did not do, although, every courtesy was extended for a period of six months. In addition, a letter was sent to Mr. DiDonato and his Attorney detailing why every account of the complaint was frivolous and should be dismissed upon review so that the Township would not incur any additional cost. And, indicated the request went unanswered which prompted the Township to have to take the matter to Court to seek dismissal of the case that ended in every single count being dismissed by Judge after arguments were heard.

Mr. Nerwinski advised that Mr. DiDonato has now come before the Council asking that they extend an additional courtesy for this separate litigation, completely distinct and apart from an issue that has been ongoing for several years so that his Association does not have to meet the August 9th deadline on an Appeal they filed with the Court. And, stated as the Township Attorney and in good conscience he could not possibly advise the Council to grant such a request, especially, since he deemed the litigation as frivolous and excessively delayed. Additionally, the Township has a successful bidder who is still waiting on the outcome of the successful bid.

Mr. Nerwinski stated as the Township Attorney he requested that the Council refrain from commenting to any party that is involved in litigation with the Township just as any attorney would advise their client, to avoid potential problems with the litigation and proceeded to clarify some of the details relative to the matter.

Mr. Bostock commented on his prior support of the Town Council moving forward on the Cellco matter after the conclusion of the Courts decision. But, stated in this instance he feels the Township's position is valid, as they have extended many courtesies over the course of the past several years and it is now time to move forward on the matter.

Mr. Joseph Mislán, 4 Sunset Road, stated that the Council should place defining information regarding employment and unemployment in world markets on the Agenda on a regular basis, as it is something they really need to pay attention to being they live in a country of democracy and proceeded to discuss other countries that are communist and under dictatorship. He further discussed a quote made by Nathaniel Morrell, dating back to 1874 regarding the working class man and his life as a free American citizen, as well as, local issues as it relates to full employment and benefits being an asset, good for the well-being of all people and the strength of America's democracy.

Mayor Powers thanked Mr. Mislán for his comments and advised that the unemployment issue is one of the priorities on the Council's agenda and proceeded to discuss the buy local campaign the Council is advocating to help promote local businesses in the community and their support of the Lawrenceville Card; a discount card that is designed to encourage people to support local merchants and small businesses by purchasing locally. In closing, Mayor Powers advised Mr. Mislán that his remarks with respect to the competition of other countries was well taken.

Mr. Peter Radice, 6 Dennick Court, greeted everyone and stated due to the financial constraints the Township is facing and the tax burden to the citizens of Lawrence he is present this evening to respectfully ask the Township Council to endorse a Resolution in support of Senate Bill No. 426 sponsored by Senator Shirley Turner that would require private non-profits - nonpublic secondary schools and independent institutions of higher education - to pay their fair share of direct compensation by reimbursing school districts for educational costs of students that utilize public services.

Mr. Radice proceeded to discuss a well known non-profit organization that sends approximately 30 children through the public school system, totaling about \$450,000, which could be put back into the municipal budget and save the taxpayers' money and a Resolution that was adopted by the School Board on June 14th favoring the proposed Senate Bill. Additionally, Mr. Radice publicly thanked Mr. Krawczun, Township Manager, and Gregory Whitehead, Director of Public Works, for assisting him with a problem that he contacted them on, expeditiously, after which Mayor Powers thanked Mr. Radice for his comments.

Mr. John Burke, 15 Willow Road, stated he is representing the Burke Family, who resides on Shinney Lane and he would like to discuss the problems they have been having with the road for the past fifteen to twenty years, as the road is filled with potholes and is horrendous to drive on, especially when it rains due to the flooding. And, indicated periodically the Public Works Department comes around and scrapes the road which is only a quick fix to the problem being the road needs to be milled, rolled out and properly scraped with a crown.

Mr. Burke stated that they are not asking for the road to be repaved as it is a dead-end road that leads into the swamps; they are just asking for a more permanent fix to eliminate the problem rather than the quick fix that has been done in the past and suggested that someone from the Township come out and investigate the situation so that the necessary improvements can be made, after which Mr. Krawczun advised that he would follow-up with Mr. Whitehead on the matter. Mayor Powers then thanked Mr. Burke for his comments.

Mrs. Linda Dlabik, 1358 Lawrence Road, stated she has two questions for the Council. The first being the location of the Johnson Trolley Line Footbridge and the other regarding shared services which she has been reading about in the newspapers with regards to the proposed water tank for washing cars per new DEP regulations, recreational events possibly being combined with other municipalities and the centralized communication center for all police dispatch.

Mr. Krawczun stated the Johnson Trolley Line Footbridge will stretch over 5-Mile un between Eggert Crossing Road and Rider University; the proposed truck wash (not car wash) is still pending as they are still working in cooperation with Mercer County in exploring the best options with regards to location, cost-efficiency and operating expenses; and, as for combining recreational events programs conversations are presently taking place in this regard as discussions relative to a centralized police dispatch center. Mr. Krawczun provided review of each inquiry and there was a question and answer period. Mayor Powers then thanked Mrs. Dlabik for her comments.

Mr. Victor Murray, 4 Melvina Drive, stated he would like to express his concern with regards to jobs, employment and the economy and that the nature of his business is representing the interest of commercial real estate corporate clients, and for the last two years it has been very difficult in the State of New Jersey as a lot of firms are moving out of the State faster than anyone could ever imagine, mainly due to the increase in taxes which has created a dilemma for him being the only way he can remain in the community and a taxpayer of Lawrence is to assist his clients with their request to relocate. Mayor Powers thanked Mr. Murray for his comments.

Ms. Lisa Burke, 278 Fountayne Lane, stated she would like to publicly speak on the proposed public question of having the voters directly elect the Mayor of Lawrence Township rather than the current process of the Mayor's post being rotated among the members of the majority on Township Council and proceeded to discuss her interest in government for more than three decades and how much she cares about the community of Lawrence Township in which she resides.

Ms. Burke indicated that the question Mr. Bostock put forward concerning a direct election was based on issues brought forward to him by voters and that the form of government and the question posed are two separate matters being

the question posed is a procedural question and not a question of changing the form of government under the Statute, as it will not change any Administrative positions or the way the Township conducts business; it just advances participatory democracy by allowing the people to vote on who will ceremonially represent the town as Mayor for a 4-year term.

Ms. Burke continued to voice her concern with the way the notation of a partisan form of government was referenced in the matter and her perception and understanding of partisan elections. In closing, she advised that the majority of the people that signed the Online Petition for the direct election of Mayor by the voters were predominantly Democrats and Independents – not Republicans. Mayor Powers thanked Ms. Burke for her comments.

Mr. Henry Minarick, 34 Graf Avenue, stated that he lives behind the Dominic Pintanelli Tract and Greenacres land and there is a tremendous problem with kids trashing and destroying the area by spraying weed killer to expand the huge biking trail that is getting closer to residential property lines, not to mention, the rampant profanity that goes on when he and his family are trying to enjoy their backyard. He further indicated that he has spoken with the kids on numerous occasions and even called the police a couple of times to no avail and suggested that someone from the Township might want to come out and investigate the area.

Mayor Powers advised Mr. Minarick that his complaint is a quality of life issue that they have had problems with before in other areas of the Township that resulted in the police being called out and by time they responded the perpetrators were gone. After some discussion, Mr. Puliti agreed to go out and investigate the complaint and discuss the matter at the next public safety meeting and Mrs. Mount suggested that Mr. Minarick continue to call the police so that the problem can be documented. Mayor Powers then thanked Mr. Minarick for coming out and alerting the Council to the problem.

Dr. Richard Graja, 6 Ivy Glen Lane, stated that he has been a resident of Lawrence Township since 1961 and he is a very satisfied customer of the Township and proceeded to discuss the excellent services provided by the Lawrence Township Police Department, Fire Department and Ambulance services. Thereafter, he urged the Township Council to take every opportunity to come up with creative ways that would increase revenue within the municipal budget and ways of creative spending, to include gathering ideas from citizens within the community, businesses and working together with other communities on shared services – such as fireworks, parades, etc. – all of which will have a positive impact on the taxpayers of the Township.

Mrs. Mount advised Dr. Graja of several Resolutions authorizing the use of grant funds that are scheduled for passage later in the meeting, totaling \$347,728 just for the month of August, which shows that the Administration and

members of Council are all trying very hard to find additional money that will enable them to save taxpayers money and continue the services Lawrence residents have come to expect and proceeded to discuss the new era in which the Township is entering into with regards to shared services and obtaining as many grants as possible that would help offset the cost to taxpayers, after which she thanked the Administration for all their hard work. Mayor Powers thanked Dr. Graja for his comments.

Mr. James Cleak, 7 E. Darrah Lane, stated he came out this evening to discuss one item, but after listening to some of the other comments he decided to digress and proceeded to elaborate in detail on several issues of concern – such as his support of non-profits paying their fair share; shared services being a good idea - although he does not want to see anyone lose their jobs; the hospital being a golden goose that should have been located in Lawrence; the direct election of Mayor - not a big issue as he has not heard a lot of conversation on the matter or see a need for change; but understands why others might want to vote for the initiative, as there no cost to the taxpayers to put the question on the ballot and it would allow voters to make the decision who will serve as Mayor. Mayor Powers thanked Mr. Cleak for his comments and proceeded to clarify some of the comments made with respect to non-profits.

Mr. Bostock discussed his position with regards to the direct-election initiative and indicated after the 2009 November election he had spoken to Mr. Puliti about his concern with the rotation of the Mayor's post and offered his support if he had any interest in running for the Mayor's post which he kindly declined with no explanation and that he had a similar conversation with Mr. Kownacki.

Mr. Bostock advised the registration of Democrats over Republicans is about two and half to one and that the Republican candidates have not had a heck of a lot of success in being elected since 1993, and he won his seat by only fourteen votes. So, for those who feel his proposal is a plot to get a Republican elected as Mayor he can assure them that is not his intention, as he can both read voter registration rules and count. Some dialogue took place in between Mr. Bostock's comments with regards to the matter.

Ms. Diane Marshall, 10 Jackie Drive, stated she has been a resident of Lawrence Township for 30-years and she is happy with her community and where she resides, and she would like to thank the young lady (Ms. Burke) who spoke so eloquently about the referendum being placed on the November ballot that would allow voters to elect the Mayor, as she feels it would be very good thing for the community and it would give citizens, who pay taxes, raise their children and are dedicated to the community, an opportunity to get involved and have a voice in the choices that are made in the Township. Further, she does not care what political party gets elected as long as the election process is done fairly and proceeded to discuss her feelings with regards to past elections, as it

relates to unfairness and the hospital that should have been located in Lawrence instead of Hopewell Township and the question of it being posed to the voters. Mayor Powers thanked Ms. Marshall for her comments.

Mr. Puliti stated for the record that the hospital was never turned down by the Council and that there is a letter on file stating that the hospital wanted to go through the Master Plan Review which the Township was not prepared to do at the time – so they declined the offer to build the hospital in Lawrence and chose Hopewell instead.

Mr. Krawczun stated in terms of revenue the County Board of Taxation has challenged the Agreement that is in draft form between Hopewell Township and Capital Health.

There being no one else who wished to address Council, Mayor Powers closed Public Participation.

Adoption of Minutes

On a motion by Mr. Bostock, seconded by Mr. Puliti, the Minutes of the Regular Meeting of May 4, 2010 and May 18, 2010 were approved without corrections.

Same was carried on the following roll call vote:

Ayes: Councilmembers Bostock, Kownacki, Puliti, and Mayor Powers.
Abstain: Councilmember Mount.
Nays: None.

Introduction of Ordinances

Mayor Powers read by title an ordinance entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 1137-88 ENTITLED 'AN ORDINANCE ADOPTING LOCAL AMENDMENTS TO THE NEW JERSEY UNIFORM FIRE SAFETY CODE'."

Mr. Krawczun advised that the Ordinance amends the Township's Fire Code so that it is consistent with the New Jersey State Fire Code which now requires certain signage to have "red" letters versus "raised" letters.

The Ordinance was introduced and approved on the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVED	SECOND
Mr. Bostock	X						
Mr. Kownacki	X						
Mrs. Mount	X						X
Mr. Puliti	X					X	
Mayor Powers	X						

Resolutions

Mr. Krawczun provided a brief explanation regarding Resolution (8AA) Authorizing an Emergency Appropriation for the Funding of Emergency Dam Repair/Colonial Lake Dam.

Resolution Nos. 269-10 (8A) thru 297-10 (8CC) with the exception of Resolution Nos. 273-10 (8E) were approved by the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVED	SECOND
Mr. Bostock	X					X	
Mr. Kownacki	X						
Mrs. Mount	X						
Mr. Puliti	X						X
Mayor Powers	X						

Cited Resolutions are spread in their entirety in Resolution Book Volume No. 2 of the Township of Lawrence.

Resolution Nos. 273-10 was approved by the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVED	SECOND
Mr. Bostock	X					X	
Mr. Kownacki					X		
Mrs. Mount	X						
Mr. Puliti	X						X
Mayor Powers	X						

Cited Resolution is spread in its entirety in Resolution Book Volume No. 2 of the Township of Lawrence.

Awarding or Rejecting of Bids

Mayor Powers asked for comments from the public. There being none, Mayor Powers asked for comments from Council. There being none, public participation was closed. On a motion by Mr. Puliti, seconded by Mr. Bostock the following resolution was presented for adoption:

Resolution No. 298-10

WHEREAS, on July 7, 2010, bids were received for Bid No. 10-08, On-Line Data Processing Assessor/Collector; and

WHEREAS, one bid was received and reviewed by the Township Manager and the responsible bidder is Vital Communications, 900 South Broad Street, Trenton NJ 08611 who submitted a bid in the total amount of \$107,370 (\$35,790 for 2011, 2012 and 2013) (for a three year contract; the Township has the option to renew the second two years) and also extra billing options (Assessment Post Cards \$.17 each plus postage/Tax Bill Forms \$.45 each/Post Tax Year Forms \$.30 each); and

WHEREAS, in accordance with N.J.A.C. 5:30-14, a Certificate of Availability of Funds has been provided and the accounts to be charged are 1-01-20-150-207 and 1-01-20-145-207 for 2011 (Tax Assessor & Collector OE), 2-01-20-150-207 and 2-01-20-145-207 for 2012 (Tax Assessor & Collector OE), and 3-01-20-150-207 and 3-01-20-145-207 for 2013 (Tax Assessor & Collector OE); and

WHEREAS, the award of said contract is contingent upon the appropriation of funds in the year 2011, 2012 and 2013 municipal budgets;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that the Township is hereby authorized to award Bid 10-08, On-Line Data Processing Assessor/Collector to Vital Communications, Trenton New Jersey for the period January 1, 2011 to December 31, 2011 with the option to renew for two additional one year periods and said award is contingent upon the appropriation of funds in the municipal budget for said years.

Same was carried on the following roll call vote:

Ayes: Councilmembers Bostock, Kownacki, Puliti, Mount, Mayor Powers.

Nays: None.

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Mayor Powers asked for comments from the public. There being none, Mayor Powers asked for comments from Council. There being none, public participation was closed. On a motion by Mr. Bostock, seconded by Mrs. Mount the following resolution was presented for adoption:

Resolution No. 299-10

WHEREAS, on Tuesday, July 20, 2010 bids were received and publicly opened for the project known as **Johnson Trolley Line Footbridge & Marlboro Road Footbridge**; and

WHEREAS, eight (8) bids were received and reviewed by the appropriate Township Officials; and

WHEREAS, the lowest responsible bidder was Underground Utilities corporation who submitted a bid in the amount of \$189,615.00, which only is the base bid for the Johnson Trolley Line footbridge; and

WHEREAS, in accordance with N.J.A.C. 5:50-14, a Certificate of Availability of Funds has been provided and the account to be charged is G-02-40-To Be Determined; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that pursuant to the recommendations of the Municipal Engineer, the Mayor and Municipal Clerk are hereby authorized to execute a contract with Underground Utilities Corporation in the amount of \$189,615.00, for the base bid for the Johnson Trolley Line Footbridge; and

NOW, BE IT FURTHER RESOLVED, this contract is awarded pursuant to a fair and open process and is subject to New Jersey Department of Transportation approval.

BE IT FURTHER RESOLVED that the Municipal Manager is hereby authorized to draft the necessary agreement, subject to the approval of the Municipal Attorney as to form and content thereof.

Same was carried on the following roll call vote:

Ayes: Councilmembers Bostock, Kownacki, Puliti, Mount, Mayor Powers
Nays: None.

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Mayor Powers asked for comments from the public. There being none, Mayor Powers asked for comments from Council. There being none, public participation was closed. On a motion by Mr. Puliti, seconded by Mr. Bostock the following resolution was presented for adoption:

Resolution No. 300-10

WHEREAS, on July 27, 2010, bids were received for Bid No. 10-06, 2010 Crack Sealer Unit with 130 Gallon Capacity; and

WHEREAS, one bid was received and reviewed by the Municipal Manager and Director of Public Works and the lowest responsible bidder is H.A. DeHart & Son, 311 Crown Point Road, Thorofare NJ, who submitted a bid in the amount of \$35,885; and

WHEREAS, in accordance with N.J.A.C. 5:30-14, a Certificate of Availability of Funds has been provided and the account to be charged is C-04-55-323-284 (Purchase of Public Works Equipment);

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that the Township is hereby authorized to award Bid 10-06, 2010 Crack Sealer Unit with 130 Gallon Capacity, to H.A. DeHart & Son in the amount of \$35,885.

Same was carried on the following roll call vote:

Ayes: Councilmembers Bostock, Kownacki, Puliti, Mount, Mayor Powers

Nays: None.

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Mayor Powers asked for comments from the public. There being none, Mayor Powers asked for comments from Council. There being none, public participation was closed. On a motion by Mr. Puliti, seconded by Mr. Bostock the following resolution was presented for adoption:

Resolution No. 301-10

WHEREAS, on July 27, 2010, bids were received for Bid No. 10-10, Sale of Surplus Property/Fire Apparatus; and

WHEREAS, three bids were received and the Municipal Manager has reviewed said bids; and

WHEREAS, the bids are being recommended for rejection as they are all considerably lower than the amount estimated;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that the bids received for Bid No. 10-10, Sale of Surplus Property/Fire Apparatus, are hereby rejected.

Same was carried on the following roll call vote:

Ayes: Councilmembers Bostock, Kownacki, Puliti, Mount, Mayor Powers

Nays: None.

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Mayor Powers asked for comments from the public. There being none, Mayor Powers asked for comments from Council. There being none, public participation was closed. On a motion by Mr. Puliti, seconded by Mr. Bostock the following resolution was presented for adoption:

Resolution No. 302-10

WHEREAS, in March of 2010 during a major storm event, the gabions on the Colonial Lake Dam experienced significant damage compromising the integrity of the structure which constitutes an emergency as it may effect public health or safety; and

WHEREAS, on Wednesday, July 7, 2010 bids were received and publicly opened for the project known as **Repair of Colonial Lake Dam** ; and

WHEREAS, (3) bids were received and reviewed by the appropriate Township Officials; and

WHEREAS, the lowest responsible bidder was DeFino Contracting Company who submitted a bid in the amount of \$456,330.00, and

WHEREAS, in accordance with N.J.A.C. 5:50-14, a Certificate of Availability of Funds has been provided and the account to be charged is subject to the approval of emergency appropriation resolution; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that pursuant to the recommendations of the Municipal Engineer, an emergency contract is hereby authorized to DeFino Contracting Company, 28 Industrial Drive, Cliffwood Beach, NJ 07735 in the amount of \$456,330.00; and

BE IT FURTHER RESOLVED that the Municipal Manager is hereby authorized to draft the necessary agreement, subject to the approval of the Municipal Attorney as to form and content thereof.

Same was carried on the following roll call vote:

Ayes: Councilmembers Bostock, Kownacki, Puliti, Mount, Mayor Powers

Nays: None.

Adoption of Ordinances

Mayor Powers read by title an ordinance entitled, "AN ORDINANCE AMENDING CHAPTER 6A, "FEES: THE CONSOLIDATED LICENSE, PERMIT AND FEE CHAPTER" OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE – Copy Fees & Electronic File Preparation and Transmitting Fee'."

Mayor Powers asked for comments from the public. There being none, Mayor Powers asked for comments from Council. There being none, public participation was closed.

Ordinance No. 2059-10

AN ORDINANCE AMENDING CHAPTER 6A, "FEES: THE CONSOLIDATED LICENSE, PERMIT AND FEE CHAPTER" OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE

Section 1.

WHEREAS, the New Jersey State Legislature voted on and approved legislation regulating copying fees in accordance with the Open Public Records Act (OPRA); and

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey that Chapter 6A entitled Fees: The Consolidated License, Permit and Fee Chapter of the Lawrence Township Administrative Code be and is hereby amended as follows:

Sec. 6A-22 Documents, copying and miscellaneous charges

[(h) Deleted in its entirety]

Replace with:

(h) .05 per page for letter-sized documents
.07 per page for legal-sized documents

[r. Electronic File Preparation and Transmitting \$15.00]

Section 2. Repealer

All ordinances or parts of same inconsistent with any provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 3. Severability

If any section, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason, the remaining portions of said ordinance shall not be affected thereby and shall remain in full force and effect.

Section 4. Effective Date

This ordinance shall take effect immediately after adoption thereof per OPRA mandate that fees are to be effective July 1, 2010.

The Ordinance 2059-10 was adopted on the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVED	SECOND
Mr. Bostock	X						X
Mr. Kownacki	X						
Mrs. Mount	X						
Mr. Puliti	X					X	
Mayor Powers	X						

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Mayor Powers read by title an ordinance entitled, REFUNDING BOND ORDINANCE PROVIDING FUNDING FOR AN EMERGENCY APPROPRIATION ADOPTED TO FUND PAYMENT OF AMOUNTS OWED TO OTHERS FOR TAXES LEVIED IN AND BY THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OR NOTE OF THE TOWNSHIP FOR FINANCING THE COST THEREOF.”

Mayor Powers asked for comments from the public during which time the following resident asked to be heard:

Mr. John Burke, 15 Willow Road, voiced his displeasure with the Quaker Bridge Mall continuing to expand their premises after receiving a sizable tax refund from the Township, due to a successful tax appeal, while the taxes in Lawrence continues to get increasingly higher.

Mr. Nerwinski explained that the Quaker Bridge Mall filed a Tax Appeal with the Court, who ultimately made the determination to grant the Appeal, so the Township had nothing to do with that determination. Further, once they expand the premises their rates will increase and the Township will get some of the money that was refunded back, and if they are thinking long-term, the expansion could possibly bring more revenue to the Township.

Mr. Krawczun further explained that commercial properties are assessed differently than residential properties; as commercial properties assessments are based on their income and expense analysis and proceeded to discuss in detail the guidelines that the Township uses to determine their tax assessment.

Mrs. Linda Dlabik, 1358 Lawrence Road, stated that she was born and raised in Lawrence Township and she remembers when the Quaker Bridge Mall area was nothing more than a dirt field and her husband's family owned the gas station across the street from the mall and indicated after the mall was built the Township would send out tax bills and within a year the mall would refuse to pay the taxes which resulted in them getting a reduction in taxes on several occasions; although her husband's family never got a reduction of taxes and proceeded to question the possibility of the same scenario happening again after the expansion of the mall is finished and the reason why the Township continues to pay lawyer fees to fight those Tax Appeals in Court when the mall keeps winning.

Mr. Krawczun stated that they keep winning because the information they present supports their position in Tax Court and advised when a retail or commercial property with an assessed value in excess of \$1M has to go directly to the Court and bypass the County Board of Taxation, the case is handled in the same manner as a trial or any other legal matter where they have experts from around the country come in and present their case and Lawrence Township experts - Municipal Tax Assessor and Mr. Nerwinski's firm – present their case. He further indicated in many cases there are opportunities to negotiate a settlement or get a favorable Tax Court ruling; but, in the event someone gets a favorable ruling on an Appeal there is nothing stipulated in the law that precludes the property owners from coming back and repeatedly filling another appeal.

An at length discussion took place relative to the economy, the (4) four independent anchors of the mall who pay separate taxes and a large cash contribution that will be given to the Township by mall owners to use for roadway improvements in the area of the mall so that the cost is not passed on to the taxpayers of Lawrence.

Mr. Peter Radice, 6 Dennick Court, questioned whether or not the financing of the \$750,000 Bond was going to be fully or partially financed or if the Township is going to borrow the money from the banks, as bond issuances are costly and he is evaluating the cheapest way to borrow the money

Mr. Krawczun advised that the Township is borrowing this particular bond in full because it has already been paid for and proceeded to review the refunding bond process and the budget appropriation/reserve that was set aside for the \$552M assessments that were under appeal in the beginning of 2009 that were eventually reduced to \$84M.

There being no additional comments from the members of Council or from the Public, public participation was closed and Ordinance No. 2060-10 was adopted on the following roll call vote:

Ordinance No. 2060-10

REFUNDING BOND ORDINANCE PROVIDING FUNDING FOR AN EMERGENCY APPROPRIATION ADOPTED TO FUND PAYMENT OF AMOUNTS OWED TO OTHERS FOR TAXES LEVIED IN AND BY THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

The Township of Lawrence, in the County of Mercer, New Jersey (the "Township") is hereby authorized to fund an emergency appropriation adopted to fund an aggregate amount not exceeding \$750,000 for amounts owed by the Township to the owners of various properties for taxes levied in the Township (inclusive of certain costs associated therewith), as more particularly described on the List of Settled Appeals and available for inspection in the office of the Township Clerk, which list is hereby incorporated by reference as if set forth at length herein.

Section 2. An aggregate amount not exceeding \$31,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51 (b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 3. In order to finance the cost of the purpose described in Section 1 hereof, negotiable refunding bonds are hereby authorized to be issued in the principal amount of \$750,000 pursuant to the Local Bond Law.

Section 4. In anticipation of the issuance of the refunding bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. All refunding bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations.

All notes issued hereunder may be renewed from time to time, but all such notes including renewals shall mature and be paid no later than the fifth anniversary of the date of the original notes; provided, however, that no notes shall be renewed beyond the first or any succeeding anniversary date of the original notes unless an amount of such notes, at least equal to the first legally payable installment of the bonds in anticipation of which the notes are issued, determined in accordance with the maturity schedule for the bonds approved by the Local Finance Board, is paid and retired on or before such anniversary date; and provided, further, that the period during which the bond anticipation notes and any renewals thereof and any permanent bonds are outstanding, shall not exceed the period set for the maturity of the bonds by the Local Finance Board.

The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 6. The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$750,000, and the

obligations authorized herein will be within all debt limitations prescribed by that Law.

Section 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the chief financial officer of the Township as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 9. The Township hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the notes, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the notes. The Chief Financial Officer is hereby authorized to act on behalf of the Township to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 1 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

The Ordinance 2060-10 was adopted on the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVED	SECOND
Mr. Bostock	X					X	
Mr. Kownacki	X						
Mrs. Mount	X						
Mr. Puliti	X						X
Mayor Powers	X						

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Mayor Powers read by title an ordinance entitled, "AN ORDINANCE AMENDING CHAPTER 4, ARTICLE V ENTITLED 'CAT LICENSING' OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE'."

Mayor Powers asked for comments from the public. There being none, Mayor Powers asked for comments from Council. There being none, public participation was closed.

Ordinance No. 2061-10

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE V ENTITLED 'CAT LICENSING' OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE

BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that Chapter 4, Article V of the Lawrence Township Administrative Code entitled 'Cat Licensing' be and is hereby amended as follows:

Section 1.

Sec. 4-39 Licensing Requirements

(g) License fee schedule. A license..... [seven] eight for each cat if spayed or neutered, [ten] eleven per cat

Section 2. Repealer

All ordinances or parts of same inconsistent with any provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 3. Severability

If any section, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason, the remaining portions of said ordinance shall not be affected thereby and shall remain in full force and effect.

Section 4. Effective Date

This ordinance shall take effect September 1, 2010.

The Ordinance 2061-10 was adopted on the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVED	SECOND
Mr. Bostock	X						
Mr. Kownacki	X						
Mrs. Mount	X						X
Mr. Puliti	X					X	
Mayor Powers	X						

Manager’s Report –

Mr. Krawczun submitted an invoice listing for the month of June 2010 in the amount of \$1,941,327.99.

Mr. Krawczun submitted the Investment Report for March, April and May 2010.

Mr. Krawczun stated he mentioned earlier in the meeting that Peter Kiriakatis, Comptroller, Department Heads, and he met on July 23rd to discuss the 2011 Municipal Budget and proceeded with a brief summary of what was discussed with regards to shared services, new and existing revenues, the contracting out of services, staffing, the elimination and reduction of discretionary services and capital needs.

Mr. Krawczun advised that the Council adopted a resolution earlier in the evening stipulating that they have read at a minimum the “General Comments and Recommendations” of the 2009 Municipal Audit and asked the wishes of the Council with regards to the Auditor appearing before them to answer any questions, after which Mayor Power advised that he does not see a need if there are no objections by his colleagues. There were no objections.

Mr. Krawczun further advised on the Council’s Agenda is a Certificate of Determination and Award regarding a Note sale for \$3,805,000 that the Township just closed on, and at the end of 2009 the Township received approval for the refunding of a 2001 Bond issuance for the outstanding principal balance of \$5.3M that was refunded on July 12, 2010, and that the refunding will save the taxpayers \$268,000 between now and the date of maturity (2011) in interest cost savings that is net of any cost divisions.

Mr. Krawczun stated with respect to old business there is a 1998 Bond issuance that is pending sale and that the bond was authorized to be refunded by the Council earlier in the meeting and is now awaiting approval from the Local Finance Board for the current market rate.

Mr. Krawczun stated he requested via email that the Township Council meetings for October 19th, November 4th and November 23rd be rescheduled, because on one of dates he will be away in Stockholm, Sweden representing Lawrence Township, as 1 of 10 Officials in the United States invited to discuss

issues of sustainability with European counterparts which is funded by the United States embassy at no expense to the taxpayers, and the other scheduling conflicts are due to his vacation and the upcoming League of Municipalities conference in November. After a brief discussion, the October 19th meeting was hereby changed to October 26th and the November 4th meeting was changed to November 9th and the November 23rd stayed the same.

Attorney's Report –

There was no Attorney's report.

Clerk's Report –

There was no Clerk's report.

Written Communications –

- A. Certificate of Determination and Award Total Principal Amount: \$3,805,000 – Discussed during the Manager's Report.

Old Business –

- A. Municipal Charter Law*
- B. Introduction of Ordinance

AN ORDINANCE AMENDING THE TOWNSHIP'S CURRENT COUNCIL-MANAGER OPTIONAL FORM OF GOVERNMENT TO PROVIDE FOR THE DIRECT ELECTION OF MAYOR BY THE VOTERS THE MUNICIPALITY

Mr. Nerwinski distributed copies of the Optional Charter Law under the Faulkner Act and stated at the Council's request he would be providing a brief educational overview of the Charter Law, which are the laws and forms of government that the townships aim to operate under as a municipality and proceeded to explain each of the following excerpts: the various forms of government and important facts under the Faulkner Act, the form of government in which Lawrence Township operates under and amending the current form,

Lawrence Township key officials and their responsibilities and the Charter Study Commission and arguments that were presented in the 1990 Charter Study Report for/against the current Mayor-Council form of government.

Mr. Peter Radice, 6 Dennick Court, questioned some of the context read by Mr. Nerwinski during his presentation with regards to his (Mr. Radice) position on the matter during the 1990 Charter Study, after which Mr. Nerwinski explained that all the excerpts he read were taken directly from the report – nothing was added to the report.

Mr. Peter Dixon, 28 Stonicker Drive, stated his understanding of Mr. Bostock's proposal regarding the direct election process is that the Council-Manager Plan would not change with the exception of an elected Mayor and asked whether or not his understanding is correct; and, if so, why are they still arguing about the current form of government.

Mr. Nerwinski explained that he was asked by members of Council to make a presentation because during previous recorded meetings there were concerns about the Council not wanting to jump into the process of placing a question on the ballot without thoroughly investigating and exploring all options available under the various forms of government, to include the direct election of Mayor under the Council-Manager form.

Mr. Bostock stated he would like to clarify something for the record and advised when he was attempting to introduce the proposed ordinance, to be placed on the ballot, he was not proposing that the Council jump into anything without first studying the matter and proceeded to discuss a memorandum that Mr. Nerwinski provided to the Council on January 20th in response to his request for a direct election of Mayor at the Reorganization Meeting.

Mr. Bostock further stated that he takes an issue with Mr. Nerwinski characterizing him as just wanting to throw the question on the ballot without studying the entire issue. Especially, since he first learned it was actually an option and that the law provides for the simple step to be taken back in January when Mr. Nerwinski provided the Council with the memo. So, in his opinion, that is not just throwing something on the ballot.

Mayor Powers advised that he was the one at the January 1st Reorganization Meeting who referenced the fact that it had been 20 years since the last Charter Study Commission was done in Lawrence Township and at that time everyone acknowledged the information and there were no objections regarding the matter. He then proceeded to discuss the various forms of government, to include the Strong-Mayor form as it relates to the direct election process and the confusion it could cause with regards to the role of the Mayor.

Mayor Powers proceeded to discuss his point of view with regards to Mr. Bostock dictating one option of choice to the voters when there are various options via referendum that the Township might benefit from, in particularly, a Charter Study that the League of Women Voters plans to have a discussion on in October, after which there was a discussion relative to Mr. Bostock's proposal and Mayor Powers' comments regarding the proposal.

Mr. Puliti advised that the Council did receive a Memorandum from Mr. Nerwinski on or about January 20th regarding the matter, but the proposed ordinance did not show up until around June 14th, almost the exact time before they had to vote up or down on the ordinance or the question could not be placed on the ballot. So, his question to Mr. Nerwinski is if the ordinance should pass at this point and time period what is the reality of the question making it onto the November ballot.

Mr. Nerwinski stated as indicated in the email he sent earlier today, the ordinance must still go through the proper introduction and adoption process, to include the 20 days after adoption period. So, at his request, the Municipal Clerk posed the question to Mr. Arthur Sypek, Legal Counsel for Mercer County, who in turn answered he would have some serious questions relative to the validity of the Ordinance because the 20 days time frame will not be completed before the August 20th deadline, as required by law.

Mr. Puliti stated for the record when the issue was tabled the last time it came along so late that there was not enough time to have sufficient dialogue regarding the matter and that he is not at all opposed to the proposal, as he is all for the voters having a say. But, for him it is all about the process and letting the people know what they are voting for, what is out there and what their options are – which is democracy. So, in his opinion, the matter should be further reviewed prior to adopting an ordinance and from his perspective Mr. Bostock looked the other way with regards to the process.

Thereafter, Mr. Bostock provided a detailed review of the timeline that was discussed by Mr. Puliti with respect to sufficient time for dialogue and information that was submitted to Mr. Nerwinski with regards to the question being placed on the ballot prior to the deadline date, to include making the ordinance effective immediately via resolution so they could meet that August 20th deadline.

Mr. Nerwinski explained that he did not take any further follow-up action on the matter because it was tabled, and it did not seem that it was going to be on the ballot or up for a vote to try and get it on ballot before the August 20th deadline. He further advised that he did speak with Mr. Bostock with regards to the matter being a dead issue and additional research being ceased. But, when it became apparent that there was an intention to try and get the question on the ballot for this year is when he asked the Municipal Clerk to inquire with the County about the legal ramification if the documents were not submitted in time.

Mr. Nerwinski further advised that the delay of the ordinance and the issue being dead had nothing to do with politics which he explained to Mr. Bostock, as he takes his job extremely serious. And, although, he is politically appointed as the Municipal Attorney he wants his legacy to be known to anyone who serves on Council that he is a guy, who played it straight and provided the best legal advice possible at the time.

Mr. Bostock stated he does not think that at all, and the only reason he raised the issue is because a suggestion was made that he was somehow negligent for not raising the issue earlier and proceeded again with a brief outline of all the things he did in order to meet the August 20th deadline, to get the question on the November ballot.

Mayor Powers asked Mr. Bostock what is his objection to further discussion and thoughts on the proposed ordinance and what is the sense of urgency that the question has to go on this November's ballot being the Council has the option of selecting a Mayor for multiple years instead of rotating the post of the Mayor, each year. So, again, he raised the question what is so urgent that they can not allow time to hear from the voters.

Mr. Bostock stated in his judgment when he sees something that might improve the way the municipal government operates he would like to see the Council do it sooner rather than later and that is the beauty of a referendum, to honor that, as you can have discussions, people can write letters, the League of Women Voters and other organizations can host forums. So, the only sense of urgency he has is that when he sees something that is going to benefit the community he would like to see it done sooner rather than later.

Mr. Puliti advised Mayor Powers that he has prepared some comments reflecting his thoughts on the subject that he would like to read into record and proceeded to read the following comments:

Lawrence Township has a history of community involvement in the current form of government that the community is governed by and never to his knowledge has there been a Charter change proposed by the Governing Body directly as it has been requested by Councilman Bostock, which he has the authority to do, as a Councilman.

Before I give a brief history of Lawrence Township I would like to make two statements. I respectfully resent Mr. Bostock's recent comments to the press that the community was outraged at the Council blocking the plan, as opposed to resolving this issue. I have lived in this town for 52-years and I have never seen this town operate so greatly. The second statement which was already repeated by the Township Attorney, is out of 566 municipalities in the New Jersey, (40) forty have the Faulkner Council-Manager form of government and out of those forty, (30) thirty municipalities choose their Mayor as Lawrence does, within their municipality – without them being elected.

In 1968, Lawrence Township sought to change their form of government, as a result of a referendum put forth per the citizens of Lawrence Township, a Charter Commission was formed to look at the form of government and how it served the residents of Lawrence Township. The Board of the Charter Study Commission after (32) thirty-two meetings and a number of persons appearing before the Committee granted permission to use this procedure, as a result of the frankest discussion possible in determining how Lawrence was governed. In addition to those meetings, two widely publicized public hearings were held, the end result was a referendum put forth for Lawrence Township to change its form of government to the present Council-Manager form.

In 1990, the question again came up about the Charter form of government in Lawrence Township. And, again, these residents were elected by the people of Lawrence, to conduct a study. And, again, after (22) meetings and two public forums it was recommended 4 to 1 that the present form of government be retained. It is clear there is a history of community involvement by the people to elect their own representation if the citizens of the town have questions concerning the Charter or the form the community is governed by. That is why I cannot support Councilman Bostock's ordinance to place a referendum on the ballot to change the Township's established Charter (we will be changing the Charter) without having the historical incredible input that has been put forth in the past. This ordinance on the ballot will be irresponsible, as far as he is concerned because they would not be doing due diligence as they have in the past – and Lawrence Township has a history of it.

I would like now to respond to Councilman Bostock's sudden urgent need to pass the ordinance to get the referendum on the November ballot, to amend the Charter and elect the Mayor to a 4-year term.

The proposed ordinance does not give the Mayor any additional powers or influence than the position already has. On January 1st of this year at the Reorganization Meeting of Lawrence Township Council, Mr. Bostock, in his remarks talked about how the Mayor is only a ceremonial figure. The ordinance he proposes keeps the Mayor as just that - a ceremonial figure. He stated in his remarks that he would be speaking to his fellow Town Council colleagues, in-depth, in the coming weeks and month on how he would launch a review that would consider how they might change the form of government. Those words, at least in his eyes, made him believe that he was talking about generating dialogue to answer the question should there be another Charter Study. And, that is a question shared with the League of Women Voters and a couple more public forums that would probably be answered.

Councilman Bostock and all Council were very well made aware at the Annual Lawrence Township League of Women Voters Reorganization they would be studying this issue in the coming year. In fact, the League is planning on having a community debate for the mayoral selection in October. Obviously, Mr. Bostock is not interested in his own words of having an in-depth with the issue; because if he was he would not be insisting to place this referendum on the ballot for the second time within a month, contrary, of how Lawrence Township has handled this situation in the past.

What needs to happen - and this is in my mind, is what has traditionally happened in the past and that is having a meaningful dialogue, and if the citizens of the town want to change the historical form then the citizens deserve the right to elect their

own to carry out that study. Any changes to the Charter should not be arbitrarily changed or politicized by one sitting Councilmember. Should the town have a public debate on this issue to do a Charter Study, he will support that 100% percent. At least, let's have a dialogue as we have in the past - at least for the past 40-years. He then thanked the Mayor Powers for the time.

Ms. Cindy Burke, 15 Willow Road, inquired about one of the excerpts in the handout with regards to voters proposing an ordinance by petition, then either adopting it or rejecting it in a referendum election, bypassing the Municipal Council completely.

Mr. Nerwinski advised that Lawrence Township had a Pay-to-Play referendum in 2004 when the voters of Lawrence were not satisfied with the Ordinance adopted by the Council. So, on their own, they assembled a Petition, got it certified by the Municipal Clerk that was then placed on the ballot for the next election and is now adopted and in effect, completely bypassing the Council.

Ms. Burke inquired as to the number of signatures needed to file the Petition to get the question on the November ballot.

Mrs. Norcia advised it is the percentage of the people who voted in the last General Election of which the General Assembly was last elected and that she could provide her with the exact number of signatures needed once she reviewed records and calculated the math.

Ms. Burke stated she would like to argue the point with regards to Mr. Puliti's comments that there is not enough time between now and the November election to educate the residents on the direct-election process.

Ms. Kim Taylor, 278 Fountayne Lane, stated she would like to clarify for the record the comments that were made by Mayor Powers and Councilman Puliti with regards to the League of Women Voters doing this and that and advised that the public forum matter relative to the direct election was not put before the Board of League of Women Voters until this evening and at the present time the issue has been tabled.

Mr. Bostock stated he would like to clarify something with respect to Mr. Puliti's comments and indicated when he was speaking about the need for dialogue and discussion he was thinking they had to do a Charter Study Commission. But, when they received the memo on January 20th advising that they had the option of passing the ordinance, as allowed by law without a long study group, he felt that was the better option. And, if they were moving in the direction of the Charter Study Commission then that would have been the way to go; but, for him, something that is simple, straight forward and provides an opportunity to put the question in front of the voters for their consideration seems more suitable.

Mr. Puliti stated in response to Mr. Bostock's comments - a change in Charter, is a change in Charter and by Statute they have always had the community input on significant issues.

Mr. Kownacki advised that he is the rookie on Council but during the time Mr. Bostock wanted to endorse Mr. Puliti for Mayor he can remember them having dialogue about the 4-year term verses the 2-year term for Mayor. Especially, since he felt the 2-year term would be the better way to go, as it would allow the Council sufficient time to study the issue and to speak with the residents to get their input on the matter.

Mr. Kownacki stated because he was a rookie at the time he did not know anything about changing the form of government. When he was out campaigning last year all he heard about was keeping the taxes stable – but nothing in regards to changing the Township's form of government. So, in his opinion, they should keep in mind what was previously discussed, possibly do the 2-year term as it would be easier for everyone to digest, after which they can review the situation and move forward to the 4-year term, if necessary.

Mr. Bostock stated as mentioned he proposed a 2-year term at the beginning of this year (2010) when he had the ability to do so. But, in the upcoming Reorganization year, this coming January (2011) he will be in his last elected term. So, he cannot make any commitment to support anyone for two consecutive years when he only has one year left on his term.

Mr. Kownacki voiced his support for the 2-year term as opposed to the 4-year term for Mayor and advised when he and Mr. Puliti ran there were two seats open and in the upcoming municipal election there will be three seats open and if a candidate is picked for a 4-year term regardless of their political affiliation then the candidate running during the 2-year period will never be elected to the seat of Mayor and that is why he supports the 2-year term for Mayor. He further indicated Mr. Bostock's response to his observation was maybe the person that is selected as Mayor for the 4-year term will give up his seat to the person who runs in the second part of the term when there are two people running, after which there was a brief discussion of the matter.

Mrs. Mount stated she has been listening to all the comments with regards to changing the form of government and it seems to be more of a problem for the five members on Council than it is for the residents and voters she has spoken to in the Township. She indicated Lawrence Township is ran as smoothly and as carefully as any town in the State of New Jersey and certainly in Mercer County and when she is out talking to the residents of all she hears is how much they love the Township and love living here and how satisfied they are with the way the Administration and the various Councils have been running Lawrence Township over the years – rather the majority was Democrats or Republicans.

Mrs. Mount advised that she has been on the Township Council for 11 years, through three elections, and has served as Mayor three times and for those who follow her agenda, knows she shows up everywhere rather it be a municipal, county or a state function, as she has a flexible schedule that affords her time to attend meetings at various times of the day and still get her work done at night. As elected people they have always tried to give everybody a fair shot rather it be a seat on Council, a Board/Committee, Affordable Housing, etc. or whether the person is political or just a plain farm girl – they get a shot; and, if they can convince someone to vote for them – they are in. So, that is a really important model in Lawrence Township to know that normal everyday people can serve on Council.

Mrs. Mount further advised when she was the Mayor, in each term she spent over sixty hours a week going to meetings, marrying people, doing ribbon cutting ceremonies and attending various meetings as she felt it was really important for the Mayor to be able to perform those types of duties. And, indicated the first time she served as Mayor there was some discussion about her serving a second term; but the philosophy has been everyone gets a chance to serve and although she would have love to keep serving, each one of the Mayors brought different talents, views and abilities to the job and Lawrence Township has benefited from each of those transitions.

Mrs. Mount indicated they all work well together on various issues and when one Mayor starts a project the next person selected as Mayor picks up where the other left off, because in reality they all have the equal powers with the exception the Mayor can perform marriage ceremonies. And, because of that, she feels they are operating under the best form of government for Lawrence Township and much discussion is needed before they make a dramatic decision to change the role of the Mayor, as they do not need someone elected to assume all the duties and to take all the credit for associated with the ceremonial post of Mayor.

Mrs. Mount advised that they are very fortunate to have the good connections with the County and State governments, as well as, their Legislative leaders in Washington, being they communicate back and forth regularly and have an excellent rapport as many can see by the considerable amounts in the grants they receive. So, the idea that they are ineffective because they only serve for one year and that they do not know their jobs well enough to work with other levels of government is misrepresentation of all the work they do as Councilmembers during their 4-year terms.

In closing, Mrs. Mount stated there is certainly something to be said about Mayors who serve long terms of office and receive recognition at the League of Municipalities conferences. But, do the citizens of Lawrence want a long-term Mayor with political ambitions or do they want real people with real lives, real jobs

and real families serving because they are dedicated and committed to the community in which they live - not a political profession.

Mr. Jim Cleak, 7 E. Darrah Lane, stated he has not heard any groundswell for change although he agrees with a lot of what has been said on both sides tonight; but, he would like some clarification with regards to the differences illustrated in the handout and whether they were done verbatim, as people should know they are two separate issues with regards to a Charter Commission that could possibly change the form of government and the direct election process that would not change the current form of government - just how the Mayor is selected.

Mr. Nerwinski advised that the presentation he gave regarding the Optional Charter Law was taken primarily from the Statute and other publications, only the for/against, interesting points of the results, and conclusions of the Charter Commission that led to the adoption of the Township's current form of government, was done verbatim. A short discussion followed relative to the deadline date for the Petition to be filed and the question to get on the November ballot.

Mr. Peter Dixon, 28 Stonicker Drive, stated he would like to thank the Mayor for affording everyone the opportunity to speak on the matter and indicated when there are two opposing views on an issue so often they seek to find a compromise. Leaving one party or both parties feeling compromised then the issue becomes more of an argument than compromise which is a little appalling to him being he feels they should be a cohesive team seeking to do the right thing. So, he encourages the Council to have dialogue again and do not rush into making a decision on matter, as one side sees a need for a long-term Mayor and the other side does not and the residents should hear both sides. So, his word of encouragement to them is they can differ – but do not tear apart.

Mr. Dixon proceeded to ask if the panel of the Township Council is fixed at 5 members or if they could have additional members on the Council, after which Mr. Nerwinski advised that the 5-member panel is part of the current Charter, but it could be amended.

Mayor Powers thanked everyone for their comments and echoed Mr. Bostock's comments with respect to the Council getting along and coming together on most issues. So, for clarification purposes he does not want people going away thinking that the Council doesn't get along being they all have a mutual respect for one another; it's just sometimes the issues get a little contentious. But, at the end of the day, they are all Lawrence Township residents and working in the best interest of the community.

After the lengthy dialogue and debate relative to the proposed ordinance to directly elect a Mayor, Mr. Bostock motioned to take the ordinance from the table. There was no second on the motion; therefore, the issue is moot.

New Business –

Mr. Puliti advised that he was approached by Mr. Radice some time ago about the Council supporting Senator Turner's bill, S-426, that would require certain institutions to reimburse school districts for educational costs of students residing in tax-exempt housing, but he decided to hold off on the matter until after the Council tried and work out the process for equal services with a couple of education institutions (Rider University and The Lawrenceville School) and proceeded to discuss the cost to taxpayers for the not-for-profit tax-exempt properties and why the Council should support the proposed bill.

Mrs. Mount advised that both institutions do contribute some money to the Township and requested that Mr. Krawczun disclose the amount to the public.

Mr. Krawczun advised that The Lawrenceville School contributes about \$35,000 each year directly to the Township and about \$65,000 to the Lawrence Township Education Foundation. And, in 2009, Rider University contributed approximately \$15,000; but, there has been some conversation with regards to Rider increasing their contribution by an additional \$10,000 for 2010. He further advised that a survey was done with other surrounding municipalities that showed none of the preparatory or higher education institutions making contributions except for maybe Princeton University.

Mr. Bostock stating he is in complete sympathy with the view that something needs to be done particularly with The Lawrenceville School, who has a huge amount of tax-exempt faculty housing at which their faculty members and families reside and kids attend public schools. But, he has some philosophical concern about supporting a bill that states private institutions have to pay a fee for their students to attend public schools being public education in the State and in the Country has long been supported by all taxpayers.

In addition, he feels they should have the broadest support for their schools so they do not get into a situation where some people are paying the cost for their child to attend public school and others are not. So, he thinks the better approach is to have the law changed all together so that the not-for-profit institutions pay property taxes for faculty housing like every other taxpayer, as the housing is not being used for educational purposes or to educate the students and proceeded to elaborate on the benefit of everyone paying their equal cost for students and the generation of revenue for the Township.

Mrs. Mount stated that the idea of changing the law was previously thought of when Princeton pursued the same issue with Princeton University and lost the legal case in Court based on arguments that their students need to have 24-hour access to faculty members and that the housing keeps them close to campus, as well as, other factors with regards to employment and the economic impact academic institutions have in Mercer County, particularly, the five colleges that bring in millions and billions of dollars in construction projects that benefits the County and indicated they can all attest to that, as The Lawrenceville School and Rider University, are about the only ones building in Lawrence Township during this recession and if they like she would get copies of the Mercer County Impact Study for them to review.

Mrs. Mount further stated they should think very long and hard about what they are doing in terms of unemployment, being business-friendly and having economic development, as well as, the complications from writing a law that would only affect one non-profit when they have a number of tax-exempted non-profit organizations in Lawrence Township, who own parcels – such as Notre Dame H.S., St. Ann's Church/School and St. Lawrence Rehabilitation, just to name a few and proceeded to elaborate on some of the complications that could arise with respect to non-profit organizations as it relates to the State law that does not support the tax-exempt issue right now.

Mr. Bostock stated for the purpose of clarification he did not suggest changing the law locally with a municipal ordinance. He explicitly suggested that they try and change the State law which grants the tax-exemptions for non-profit housing.

Mr. Peter Radice, 8 Dennick Court, stated he only requested that the Township Council consider adopting a Resolution of Support for Senator Turner's bill, which would not rescind the Council's powers to negotiate with other institutions; it just gives credence to what Senator Turner is attempting to do with respect to education and protecting the taxpayers being she's a member of the State Education Committee. And, advised that the School Board did a similar letter supporting the bill and so can the Council, as it would not affect any of their plans and it would prove to the taxpayers that they are doing something to protect their interest being all the other angles have not worked and proceeded to elaborate on independent and higher institutions paying their fair share of taxes.

Mr. Puliti stated he agrees with both Mr. Bostock and Mr. Radice with regards to pursuing the issue to change the law and having non-profits pay their fair share and this is probably the closest they will ever get to the door with regards to the issue and advised that they have asked both institutions to substantially increase their contributions, as the Township is looking for ways to increase revenue and, to be frank, that has not happened. So, at what point should they start to do something about the issue as there is a real need to

increase revenue in Lawrence Township to continue the services the residents have come to expect.

Mr. Kownacki stated he agrees they should see what else is out there in connection with supporting Senator Turner's bill, S426, and connect them together before they sign off on something, after which there was some dialogue amongst the Council relative to alternative legislative bills and Mr. Radice's proposed resolution.

In closing, Mayor Powers asked Mrs. Norcia to schedule the Resolution of Support for the September 7th meeting.

There being no further business to come before this Council, the meeting adjourned.

10:16 P.M.

Respectfully submitted by,

Kathleen S. Norcia, Municipal Clerk

Attest:

Michael S. Powers, Mayor