

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

December 7, 2010

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

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

Mayor Powers advised that former Councilman Richard Miller's father, Robert Miller, who was a World War II veteran passed away and asked for a moment of silence in commemoration of his life and for all the World War II veterans who served the United States throughout the years, and for Pearl Harbor Day which happens to be today.

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

STATEMENT OF PROPER NOTICE: "Adequate notice of this meeting of the Lawrence Township Council being held on Tuesday, December 7, 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 and Mayor Powers.
Absent: Councilman Puliti. (Work Commitment – Arrived at 7:11 pm)

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

Proclamations and Honors

Mayor Powers read the following Proclamation declaring December 13th as "Communities of Light Day in Lawrence Township" on behalf of Womanspace.

Proclamation

WHEREAS, it is the policy of the Township of Lawrence to recognize organizations that have contributed to the overall benefit of the community; and

WHEREAS, Womanspace, founded in 1977, has demonstrated a unique ability to provide comfort, support services, crisis intervention and safety to women who are victims of sexual assault and domestic violence; and

WHEREAS, Womanspace, in the belief that 'peace begins at home', has asked the Mercer County Community to join them in their struggle against violence toward women by participating in their annual Communities of Light project; and

WHEREAS, Womanspace has provided emergency shelter in secure locations and comprehensive services for victims of domestic violence since 1977 and sexual assault since 2002, for more than 39,169 women, 5,383 children and 1,016 men; and has assisted more than 204,015 callers over the last 30 years; and

WHEREAS, Lawrence Township applauds the efforts of Womanspace to bring an end to the circle of abuse imposed on women; and

WHEREAS, as Mayor of Lawrence Township, I urge that each and every household demonstrate their support of the concept that 'peace begins at home' by placing luminaries along their driveways and sidewalks on Monday, December 13, 2010, as a visible symbol of that support; and

WHEREAS, the proceeds from Communities of Light 2010 will be used to fund vital services for victims of domestic violence and sexual assault;

NOW, THEREFORE, I, Michael S. Powers, Mayor of the Township of Lawrence, County of Mercer, State of New Jersey, on behalf of the Lawrence Township Council do hereby Proclaim December 13, 2010 as:

COMMUNITIES OF LIGHT DAY

and hereby commend Womanspace on its many accomplishments and wish them continued success with Communities of Light in the years to come.

Review and Revisions of Agenda

The Municipal Clerk advised that there is one amendment to be added to the Agenda, Resolution (8-O) – Authorizing the Disposal of Abandoned Motor Vehicles through the Process of Public Auction.

On a motion by Mr. Bostock, seconded by Mrs. Mount, the Agenda was amended to include the above revision.

Same was carried on the following roll call vote:

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

Public Participation

There was no public participation.

Adoption of Minutes

On a motion by Mr. Bostock, seconded by Mrs. Mount, the Minutes of the Regular Meeting of September 21, 2010 were approved without corrections.

Same was carried on the following roll call vote:

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

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On a motion by Mr. Bostock, seconded by Mrs. Mount, the Minutes of the Closed Session Meeting of October 26, 2010 were approved without corrections.

Same was carried on the following roll call vote:

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

Introduction of Ordinances

Mayor Powers read by title an ordinance entitled, "BOND ORDINANCE AMENDING BOND ORDINANCE 1698-02 BY THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, STATE OF NEW JERSEY, IN ORDER TO REVISE THE DESCRIPTION OF THE IMPROVEMENT HEREIN"

Mr. Krawczun advised that both Ordinance 7-A & 7-B are for the same purpose and that the amendments would allow unspent proceeds on prior capital projects to be re-authorized for the purpose of improvements to the Twin Pines project and that he would be reviewing the bid results during his Manager's report. A brief discussion took place relative to the cost.

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

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

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Mayor Powers read by title an ordinance entitled, "BOND ORDINANCE AMENDING BOND ORDINANCE 1787-04 BY THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, STATE OF NEW JERSEY, IN ORDER TO REVISE THE DESCRIPTION OF THE IMPROVEMENT HEREIN"

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

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

Resolutions

Mayor Powers advised that Mr. Krawczun's evaluation was done in Executive Session and he would like to congratulate him on his five-year reappointment as Municipal Manager; an appointment he feels is well deserved given the professional job he has done at Town Hall over the years, and that he is looking forward to working with him in the same professional capacity for many, many, more years to come. Thereafter, Mr. Krawczun thanked the Council for his reappointment and for all their cooperation over the years and indicated he as well is looking forward to continuing that cooperative relationship in the future.

Mr. Krawczun provided a detailed review of Resolution (8-K), Authorizing the Application for Continued Participation in Station House Adjustment Partnership Program Grant, after which Councilwoman Mount stated she feels it is a very important program and commended the Police Department on its participation in trying to create alternatives for young first-time offenders of the law so that they do not have a criminal record.

Resolution Nos. 405-10 (8-A) thru 419-10 (8-O) with the exception of Resolution 408-10 (8-D) 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						X
Mr. Puliti	X						
Mayor Powers	X						

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

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Resolution No. 408-10 (8-D) was approved by the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVED	SECOND
Mr. Bostock		X					
Mr. Kownacki	X						X
Mrs. Mount	X					X	
Mr. Puliti	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 Mrs. Mount, seconded by Mr. Bostock the following resolution was presented for adoption:

Resolution No. 420-10

WHEREAS, on November 16, 2010, bids were received for Re-Bid #1 of Bid No. 10-17, Pak-Mor Limited 6 Yard Rear Loader Model RBS1 or Equivalent; and

WHEREAS, four bids were received and reviewed by the Municipal Manager and Director of Public Works and the lowest responsible bidder is DFFLM, LLC T/A Ditschman Flemington Ford, Flemington NJ, who submitted a bid for the base bid and Options 1, 2 and 3 (extended warranty, cart dumper system and snow plow system) in the total amount of \$85,347; 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-04-55-342-281 (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 Re-Bid #1 of Bid No. 10-17, Pak-Mor Limited 6 Yard Rear Loader Model RBS1 or Equivalent with options to DFFM, LLC T/A Ditschman Flemington Ford in the amount of \$85,347.

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 Mrs. Mount, seconded by Mr. Bostock the following resolution was presented for adoption:

Resolution No. 421-10

WHEREAS, on November 16, 2010, bids were received for Re-Bid #1 of Bid No. 10-18, 2011 F-250 Pick-Up Truck or Equivalent with Snowplow Options; and

WHEREAS, four bids were received and reviewed by the Municipal Manager and Director of Public Works and the lowest responsible bidder is Performance Ford of Randolph, NJ who submitted a bid in the amount of \$43,820; 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 C-04-55-342-283 (Purchase of Public Works Equipment) and 0-01-28-375-267 (Parks OE);

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 Re-Bid #1 of Bid No. 10-18, 2011 F-250 Pick-Up Truck or Equivalent with Snowplow Options, to Performance Ford in the amount of \$43,820.

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 Mrs. Mount, seconded by Mr. Bostock the following resolution was presented for adoption:

Resolution No. 422-10

WHEREAS, on Tuesday, November 23, 2010 bids were received and publicly opened for the project known as 2010 Striping; and

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

WHEREAS, the lowest responsible bidder was Zone Striping, Inc., who submitted a bid in the amount of \$17,777.00; and

WHEREAS, in accordance with NJAC 5:50-14, a Certificate of Availability of Funds has been provided and the account to be charged is C-04-55-337-246;

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 Zone Striping, Inc., 501 New Jersey Avenue, PO Box 568, Glassboro, NJ 08028, Attn: Paul R. Mitchell, Jr., in the amount of \$17,777.00; 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

There was no introduction of ordinances.

Manager's Report –

Mr. Krawczun submitted invoice listings for the month of November 2010 in the amount of \$2,282,045.04.

Mr. Krawczun stated as the Council already knows the Administration has been working with Hopewell Township on a cooperative effort to have the old Twin Pines Airport developed into recreation fields for both Lawrence Township and the Hopewell Valley area, and that Hopewell, designated as the lead agency on the project, has gone out twice for bids and that the second round of bidding had some changes in the specifications which led to better competition amongst the bidders. So, now that the bids are acceptable they are at the point where the Council has to make a determination regarding the award for the work to be done on the Lawrence portion of the Twin Pines fields, as well as, the common elements – such as parking, drainage, landscaping, electric/water supply, etc.

Mr. Krawczun proceeded with an in-depth review of the spreadsheet he distributed with regards to the acquisition, other costs, applied landscape technologies, future improvements and Lawrence Township's share of the bid cost, to include the final payments and credits due (none), after which there was an at length comment, question and answer period relative to the project design, required permits and the cost. It was the consensus of the Council for Mr. Krawczun to verbally advise Hopewell Township of their decision to accept the bids and responsibility for the funding, and to prepare a formal resolution for the December 21st meeting, which would allow Hopewell Township to proceed on behalf of Lawrence Township.

Mr. Krawczun advised that the Administration received correspondence from the County Tax Administrator, Martin Guhl, regarding a revaluation for the tax year 2013, as Lawrence Township has not had a revaluation since 1994 and there have been many changes within those 16 years, both up and down. He further advised that there are two things that the County Board of Taxation and State Division of Taxation look at when they are considering the recommendation for a town to conduct revaluations, which are the General Coefficients and the State Director's Ratios. So, with those two items in mind, the Administration has been talking internally about how to respond at the December 16th hearing and that is the reason he is bringing forth the matter now so that he can get some input as to how the Council would like for them to proceed.

After some discussion relative to the substantial increase in tax appeals and appropriations for the appeals, Mr. Krawczun suggested that the Council delay the implementation of the Township's revaluation so that they can have time to pay down some of the debt; because most likely the revaluation will be very costly based on the number of parcels in Lawrence Township. So the real question is will it be less costly to pay the refunds over the time of delay or pay for the debt service on one-fifth (1/5) of the special emergency appropriations; but they would have to manage the tax rate during that time period. After an at length discussion relative to the matter, Mr. Krawczun advised that he and Mr. Acolia, Tax Assessor, will be attending the December 16th meeting and they will continue to work on the best way to proceed with the matter and he keep the Council updated as to the outcome.

Mr. Krawczun distributed a list of all the "fees" that the Township charges for various services and the proposed increases and indicated he is distributing the information tonight so if there are any questions, suggestions or recommendations they can discuss it at the December 21st meeting. Subsequently, he will bring forth an Ordinance at the first meeting in January to amend the fees, as they would like to include the 2011 fees in any information being sent out by the various departments and preceded with a detailed review of the document analysis associated with the fees for each department, after which there was a comment, question and answer period relative to the various fees and proposed increases.

Mr. Krawczun stated the last item of business is the Pit Stop location and the (7) seven property owners who had their wells tested on November 17th and indicated the results are pending; but everyone will be notified as to the outcome. Afterwards, Mayor Powers asked Mr. Krawczun to notify GEPNA representatives and Councilwoman Mount requested a list of the properties that did not get tested.

Attorney's Report –

Mr. Nerwinski advised that Mayor Powers requested a legal opinion with regards to the Township's requirement to hold a Reorganization Meeting on January 1st, and whether the Mayor's term of office can be extended if no such requirement exists, and after careful review of the Municipal Code and the State Statutes it is his opinion that the Township should hold a Reorganization meeting on January 1st and select a mayor for a one-year term, after which there was a comment, question and answer period relative to the legal opinion in Mr. Nerwinski's memorandum and the new case law regarding election and term for Mayor (Styles vs. Galloway Township).

Clerk's Report –

There was no Clerk's report.

Written Communications –

There were no written communications.

Old Business –

There was no old business.

New Business –

Mayor Powers stated in the October issue of the League of Municipalities magazine, Mayor Flannery of Bridgewater Township did an article on towns that have a pharmaceutical company presence because at the League's level they are trying to form a Municipal Partnership Program similar to the Route 1 Mayors' Coalition, where a group of towns that are on the same page in terms of working on similar concerns, in this case pharmaceutical and technology companies, to make sure from a municipal perspective that there is coordination of efforts in the approach to keeping employment here in New Jersey.

Councilwoman Mount advised after the Township adopted the Complete Streets Program they started receiving lots of emails from the biking communities and pedestrian walking groups, as Lawrence Township was one of the first municipalities in Mercer County and the State of New Jersey to adopt such a program. Now, there is a gentleman in West Windsor who is trying to gather support, to lobby the County to comply with the Complete Streets Program and they are looking for groups to endorse this approach to the Freeholders. So, she would like to know the Council's thoughts on the proposal, as they were the first to adopt the plan and they do have a lot of county roads within Lawrence Township.

Councilwoman Mount stated that they received an email from the State advising that it is no longer legal to dispose of computers and the components in the regular trash and they are advising people to call their Public Works Departments for disposal instructions, so she would like to know the proper procedure regarding the disposal process.

Mr. Krawczun stated that the idea was for people to dispose of the items at stores that have refill locations and that they have been approached by a company that is considering offering a service that would allow the Township to have a drop-off point. In addition, there may be some associated cost which has not yet been discussed, although the service is supposedly free. A short discussion took place relative to DEP regulations as it relates to compost site not being permitted as a drop-off point and the Director of Public Works looking into other options.

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

8:27 P.M.

Respectfully submitted by,

Kathleen S. Norcia, Municipal Clerk

Attest:

Michael S. Powers, Mayor