

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

February 2, 2010

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, February 2, 2010, at 7:00 P.M.

Prior to the Prayer and Pledge of Allegiance, Mayor Powers acknowledged the safe return of the Lawrenceville Presbyterian Mission from Haiti and asked for a moment of silence for the lives of those lost in Haiti and Christine Marie Gianacaci a local resident.

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, February 2, 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: Councilmen Bostock, Kownacki, Councilwoman Mount, Puliti,
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 honors or proclamations.

Review and Revisions of Agenda

There were no revisions to the agenda.

Public Participation

Mr. Joseph Mislán, 4 Sunset Road, advised he would like to speak about the local unemployment level and the healthcare situation and proceeded to discuss the two areas of concern he feels can be improved upon. The first thing is to create small businesses that are profitable and reduce the cost of doing business by not imposing any further financial requirements on the local businesses, in hopes that they will hire someone and provide them with healthcare benefits. He then proceeded to discuss the downturn with regards to healthcare requirements and the cost of operations for small businesses.

Mr. Mislán stated his second item of concern is the Banking and Loan institutions that provides loans to small businesses and how very well the CEO's and management does in terms of administering those loans, as they set up pipelines that leads directly to mortgage loans and those loans seems to channel down to Fannie Mae and Freddie Mac as main sources. And, advised most of those organizations although independent are guaranteed by the federal government for any losses.

Mr. Mislán further stated the chances of the Federal Government doing anything about either one of those institutions or reversing some of the programs that have been put in place by large banks or investment firms are rather slim because they are large funding sources and proceeded to speak at length about the Federal Government moving forward, small businesses, incentives, hiring and possible solutions to reduce unemployment at the local level. A short discussion took place relative to Mr. Mislán's comments.

Mr. Jeffrey Cook, 10 Anthony Lane, commented on a letter he received from the Township regarding the ordinance for sidewalk improvements/special assessment of properties in his general neighborhood and indicated that he does not object to paying for the improvements but feels as though it is not necessarily fair to hold homeowners responsible for the replacement of the curbs and that the cost should be absorbed. In addition, he felt he was the only person in the neighborhood that actually had to replace any curbing and that it is an improvement that should be absorbed by the Township.

Mr. Krawczun advised Mr. Cook that the Township stopped paying for the replacement of sidewalks almost twenty years ago and that there are a couple of other property owners listed in the ordinance that live on Anthony Lane and have taken advantage of the program because it is voluntary and less expensive for the property owners due to the Township's ability to do competitive bidding. Some discussion took place relative to the issue.

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 November 5, 2009 were approved without corrections.

Same was carried on the following roll call vote:

Ayes: Councilman Bostock, Puliti, Councilwoman Mount, Mayor Powers.
Abstain: Councilman Kownacki.
Nays: None.

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On a motion by Mr. Bostock, seconded by Mr. Mount, the Minutes of the Regular Meeting of December 1, 2009 were approved without corrections.

Same was carried on the following roll call vote:

Ayes: Councilman Bostock, Puliti, Councilwoman Mount, Mayor Powers.
Abstain: Councilman Kownacki.
Nays: None.

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On a motion by Mr. Bostock, seconded by Mr. Mount, the Minutes of the Closed Meeting of December 15, 2009 were approved without correction.

Same was carried on the following roll call vote:

Ayes: Councilman Bostock, Puliti, Councilwoman Mount, Mayor Powers.
Abstain: Councilman Kownacki.
Nays: None.

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On a motion by Mr. Bostock, seconded by Mr. Puliti, the Minutes of the Closed Meeting of January 20, 2010 were approved without correction.

Same was carried on the following roll call vote:

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

Introduction 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."

Mr. Krawczun advised that the Ordinance will amend the Administrative Code regulating the fees for site inspection and document processing for the administrative cost of septic tank abandonment.

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 overview of Resolution (8I), Shared Services Agreement with the Township of Hamilton for Health Clinic Services; and Resolution (8K), Authorizing an Application for Funding to NJDEP for Dyson Tract.

Resolution Nos. 88-10 (8A) thru 99-10 (8L)) 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.

Awarding or Rejecting of Bids

There was no award of bids.

Adoption of Ordinances

Mayor Powers read by title an ordinance entitled, "AN ORDINANCE PROVIDING FOR SIDEWALK IMPROVEMENTS IN AND BY THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$6,837.21 THEREFOR AND DIRECTING THE SPECIAL ASSESSEMENT OF THE COST THEREOF"

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. 2045-10

ORDINANCE PROVIDING FOR SIDEWALK IMPROVEMENTS IN AND BY THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$6,837.21 THEREFOR AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF

WHEREAS, at the request of certain owners of properties identified herein, the Township of Lawrence has previously authorized and undertaken certain sidewalk improvements; and

WHEREAS, the understanding between the property owners and the Township was that these improvements would be specially assessed against the properties; and

WHEREAS, the Township now wishes to authorize the special assessment of the cost of such improvements;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lawrence, in the County of Mercer, State of New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1. The improvement described in Section 3 of this ordinance is hereby authorized to be undertaken by the Township of Lawrence, New Jersey as a local improvement. For the improvement or purpose described in Section 2, there is hereby appropriated the sum of \$6,837.21.

Section 2. (a) The improvement hereby authorized is the improvement of the sidewalks, curbs, and driveway aprons along the streets listed below. The affected properties, listed by name of record owner, street address, block, lot and assessment amounts are as follows:

OWNER of RECORD	No.	PROPERTY ADDRESS	TOTAL
Michael Rue, ux	16	Anthony Lane	\$1,190.55
Mervyn C. & Heather L. Cheewah	9	Dorothea Terrace	\$950.25
Nicholas A. Caiazza	5	Dorothea Terrace	\$838.11
Jeffrey & Loraine Cook	10	Anthony Lane	\$1,059.00
James & Regina Hoffman	11	Dorothea Terrace	\$309.00
Anthony & Jennifer Esposito	1	Dorothea Terrace	\$910.20
John W. & Patti L. Ford, Jr.	20	Anthony Lane	\$830.10
Rosemarie & Robert J. Guld	10	Garry Court	\$750.00
			\$6,837.21

(b) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

Section 3. The improvement described in Section 2 of this ordinance shall be undertaken as a sidewalk improvement and the cost thereof shall be assessed in the following manner. An accurate account of the cost of construction of the sidewalks shall be kept, and such cost shall be assessed upon the several properties fronting on the improvement in proportion to their respective frontage or square yardage thereon pursuant to and in accordance with N.J.S.A. 40:65-1 *et seq.*

Section 4. The owner of any land upon which any assessment for the local improvement shall have been made may pay such assessment in the number of equal yearly installments herein determined, with legal interest on the unpaid balance of the assessment. The first of the installments shall be due and payable two months after the confirmation of the assessment, and each subsequent annual installment and interest shall be payable in each successive year thereafter at such time as the governing body shall by resolution determine, provided that any owner of land so assessed shall have the privilege of paying the whole of any assessment or of any balance of installments with accrued interest thereon at any time. Whenever any such installment shall remain unpaid for thirty (30) days from and after the time it shall become due and payable, the whole assessment or balance thereof shall become and be immediately due and payable and shall draw interest at the rate imposed upon the arrearage of taxes in the Township and shall be collected in the same manner as provided by law for other past due assessments. Such assessment shall remain a lien upon the land described herein until the assessment with all installments and accrued interest thereon shall be paid and satisfied. Notwithstanding anything herein to

the contrary, the Township shall have the right to waive default as may be permitted by law.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a local improvement the cost of which shall be specially assessed in the manner provided herein.

(b) The number of annual installments within which the special assessments are to be levied on the lots and parcels of real estate affected by the improvement is eight (8).

(c) The Township will not contribute to the payment of any part of the cost of the improvement.

(d) The estimated maximum aggregate amount of the special assessments is \$6,837.21.

The Ordinance 2045-10 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						

Manager’s Report –

Mr. Krawczun submitted an invoice listing for the month of December 2009 in the amount of \$1,768,990.45.

Mr. Krawczun reported that he received a Notice from the Local Finance Board regarding a change in statutory dates for the introduction and adoption of the Municipal Budget, and the date of introduction has now been pushed back to March 31st and the adoption date for the budget is May 11th. But, advised although the statutory dates have been delayed to give the Governor time to present his Fiscal Budget the Township’s budget may still be subject to change, as they will need certified State aid figures in order to move forward with the budget.

Mr. Krawczun updated the Council on the Pit Stop Gas Station located on Lawrence Road. He stated that they received a very brief email regarding the status of the project with regards to funding that has been lined up for the assessment work and administrative access to the property which DEP is still working on for the purpose of sampling to determine if contamination has spread beyond the property lines. And, further advised that the estimated start time for the assessment work is approximately one month and DEP will send notification when the work is completed. A brief discussion followed relative to the various phases of the plan.

Budget Discussion –

Prior to the budget discussion, Mr. Puliti advised during the budget hearings the public will hear deliberations concerning possible cuts in municipal services and that they have already heard the Municipal Manager's recommended budget presentation with regards to the proposed 5 cent tax increase. And, now they will hear a recommendation that he is making from the Council's side of the aisle that includes the elimination of healthcare benefits for part-time, elected and appointed officials, as the Township can no longer fiscally afford the additional expense. A brief discussion followed relative to the proposal.

Mr. Krawczun distributed copies of the various budget reports that he would be reviewing for the Council and advised that additional copies are available on the table for the public. He then proceeded with an in-depth review of the following reports: Sources of Regenerated Surplus 2008 v. 2009, 2009 Monthly C/R per Revenue Report and the Availability of Surplus and Surplus Used in Budget Years (1996-2010). Afterwards, there was a question and answer period relative to Mr. Krawczun's budget review and a short conversation regarding future scheduling of departmental hearings and budget presentations.

Attorney's Report –

There was no Attorney's report.

Clerk's Report –

Mrs. Norcia asked the Council wishes with regards to attending the Mayor's Legislative Day event. After a brief discussion, Mayor Powers and Councilwoman Mount were the only two Councilmembers planning to attend the event.

Written Communications –

- A. Letter from George Scaramell Resigning from the Senior Executive Committee – The Municipal Clerk advised that the position was filled this evening, so they will not be posting a Notice for the opening.

Old Business –

Mayor Powers advised that the Faulkner Act and Charter Study conversations will take place at the next meeting (February 16th).

Mayor Powers asked Mrs. Mount for an update of her meeting with the Route 1 Redevelopment Committee and its Chair, John Conroy, with regards to them merging with the Growth and Redevelopment Committee.

Mrs. Mount reported that they had a very good meeting last week and the architectural interns are still working on a lot of specific projects. But, unfortunately, Mr. Conroy is away for two months, so when he returns the interns will report their findings and recommendations to the Committee and they will in turn discuss the matter with all the committee members and make a determination from there. After some discussion, they decided to discuss the idea with the Growth and Redevelopment Committee at their next meeting and report back on the matter at the February 16th meeting.

New Business –

There was no new business.

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

7:38 P.M.

Respectfully submitted by,

Kathleen S. Norcia, Municipal Clerk

Attest:

Michael S. Powers, Mayor