

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

February 15, 2011

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, February 15, 2011, 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 Puliti 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, February 15, 2011, 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, Power, Mount and Mayor Puliti.

Absent: None.

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

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Proclamations and Honors

There were no proclamations or honors.

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Review and Revisions of Agenda

There were no revisions to the agenda.

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Public Participation

**A. Annual Beautification Award Presented by the Garden Gate Garden Club**

A representative of the Garden Gate Garden Club presented the Beautification Award to Mr. and Mrs. Willis, owners of Willis Greenhouse, who she indicated was chosen by the Club members for being one of the businesses in Lawrence Township who has done the most to beautify the township, with all the beautiful flowers displayed outside of their property and along the curbside of their business for everyone to enjoy, after which she congratulated the new honorees and thanked the Council for their time. Thereafter, the Willis' thanked the Council and the Garden Gate Garden Club for the great honor.

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*Mr. Nkiru Amadi, 18 Allwood Drive, voiced his objection to the fifteen dollar fee increase (\$15) for the Community Garden Plots, as he is a retired senior citizen on a fixed income and the increase from \$20 to \$35 is too high. He then requested that the Council reconsider the increase and reduce the cost of the garden plots.*

*Mr. Tony Sebasto, Jr., Budd Lake, New Jersey, advised that his permanent residency is in Budd Lake, NJ, Morris County, but he owns 530 Drexel Avenue in Lawrence Township, and he is present to speak about a public safety issue as it relates to the current speed limit of 40 mph on Lawrenceville Road (Rt. 206) between Darrah Lane and Harney's Corner (Princeton Avenue).*

Mr. Sebasto stated that he is the son of Tony Sebasto, Sr., a school crossing guard, who was struck by a car on December 14<sup>th</sup> on Route 206 and Eggert Crossing Road while on duty and proceeded to discuss the substantial injuries his father sustained from the accident, the recovery process and him justifying the injuries as flesh wounds being he is an ex-marine and Korean War Veteran.

Mr. Sebasto proceeded to discuss his father's 12 year employment history as a school crossing guard with the Township of Lawrence and his priorities with regards to public safety, after which he advised of an investigation he started after his father's accident regarding crossing guards and motor vehicle accidents in the State of New Jersey and along Route 206, and advised that the problem is not just a school day problem, as it affects everyday pedestrians crossing roadways and local churches.

Mr. Sebasto requested that the Council adopt a resolution establishing a traffic speed enforcement campaign with the police department, request a traffic survey from NJDOT to reduce the speed limit from Darrah Lane to Princeton Avenue to 30 mph, and have the intersection of Eggert Crossing Road designated as a school zone that would allow the speed limit to be reduced to 25

mph during school hours and enforcement of current State laws for traffic offenses involving DWI's in a school zone, after which Mr. Sebasto advised that he had an opportunity to discuss the matter with the Acting Supervising Engineer of Department of Transportation, who advised the he is willing to reduce the speed limit from 40 to 30 mph; but not all in one swoop, and that the onus would be the Township's to request the change.

Mayor Puliti asked Mr. Sebasto to extend best wishes to his father on behalf of Council and advised that his timing is perfect as they were just in contact with the office of the Commissioner for the Department of Transportation and they will be meeting with the Governor's representative within the next couple of weeks to discuss the traffic matter he addressed, as well as, a possible traffic study to help alleviate the problem. A short discussion took place relative to safety measures being implemented to lower the speed limit in certain zones and previous studies that have been done by the Sustainable Mobility Committee and other organizations along the Route 1 Corridor and various intersections to help improve crosswalks and pedestrian safety within the Township.

*Mrs. Linda Dlabik, 1358 Lawrence Road*, voiced her objection to the Council approving a salary increase for the Municipal Manager based on his current salary, budgetary constraints and union givebacks. She also voiced her concern about all the firefighters being housed at one firehouse, and her lack of understanding as to the need for a Fire Lieutenant position when the Township passed an Ordinance last year to hire two additional firefighters as paid drivers then in turn eliminated the two paid positions. Afterwards, Mr. Krawczun provided a detailed explanation as to the Administration's decision to eliminate the two paid firefighter's positions, the public safety issue that led to all the firefighters being housed in one location and the need for the Fire Lieutenant position.

*Ms. Blanche Brann, 19 Woodlane Road*, questioned if any of the Council ever walked over the overpass of I-95, preferably, from the north side of Lawrence Township and proceeded to voice her objection and opinion about the road being covered with snow and unplowed and the dangerous conditions she discovered during her walk to Town Hall. She further discussed the municipal budget and some research she did with other towns that are comparable to Lawrence Township in size and social economics.

An at length discussion took place relative to Ms. Brann research and budgetary concerns regarding salaries, benefits and residency requirements and the overpass not having sidewalks for pedestrian access and the plowing of the area being the State's responsibility, to include the Council doing a follow-up with the DOT on the matter.

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Adoption of Minutes

On a motion by Mr. Bostock, seconded by Mr. Kownacki, the Minutes of the Regular Meeting of November 9, 2010 and November 23, 2010 were approved with corrections.

Same was carried on the following roll call vote:

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

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On a motion by Mr. Bostock, seconded by Mr. Powers, the Minutes of the Closed Session Meeting of February 1, 2011 were approved without corrections.

Same was carried on the following roll call vote:

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

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Introduction of Ordinances

There was no introduction of ordinances.

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Resolutions

A brief discussion took place relative to Resolution (8-B), Authorizing Appointments to the Affordable Housing Board. Afterwards, the resolution was **tabled** for further verification of residency requirements.

Resolution Nos. 82-11 (7A) thru 88-11 (7I)) with the exception of Resolution 8-B 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. Powers	X						X
Mayor Puliti	X						

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

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Awarding or Rejecting of Bids

There were no bid awards.

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Adoption of Ordinances

Mayor Puliti read by title an ordinance entitled," ORDINANCE AMENDING THE LAND USE ORDINANCE (LUO) OF THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, STATE OF NEW JERSEY TO MODIFY SECTION 400, GENERAL REGULATIONS AND PERMITTED MODIFICATIONS, AND SECTION 522, DRAINAGE AND STORM WATER MANAGEMENT"

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

Ordinance No. 2081-11

ORDINANCE AMENDING THE LAND USE ORDINANCE (LUO) OF THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, STATE OF NEW JERSEY TO MODIFY SECTION 400, GENERAL REGULATIONS AND PERMITTED MODIFICATIONS, AND SECTION 522, DRAINAGE AND STORM WATER MANAGEMENT

**WHEREAS**, the Township Council of the Township of Lawrence, a municipal corporation in the County of Mercer, State of New Jersey, finds that the public health, safety, morals, and general welfare of the community shall be promoted by the revision and amendment of the Land Use Ordinance of the Township; and

**WHEREAS**, the Planning Board of the Township of Lawrence has adopted a Master Plan that comprehensively provides for the appropriate use and development of lands in the Township in a manner which will promote the public health, safety, morals, and general welfare; and

**WHEREAS**, the Municipal Land Use Law at *N.J.S.A. 40:55D-62a* requires substantial consistency of the provisions regulating zoning and land use with the adopted Land Use Plan Element; however, a governing body may adopt a zoning ordinance or zoning map wholly or partly inconsistent with such land use plan

element provided that the reasons for so doing are set forth in a resolution and recorded in its minutes; and

**WHEREAS**, the Planning Board has determined that the revisions and amendments to Section 522 are consistent with said Land Use Plan Element, represent sound land use planning and therefore favorably recommends to the Township Council the revised regulations for storm water management basins; and

**WHEREAS**, this ordinance is not a classification or boundary change necessitating individual public notice pursuant to *N.J.S.A. 40:55D-62.1*; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Lawrence that the Land Use Ordinance (LUO) be hereby amended as follows:

**Section 1.** §400.B, Variances, shall be modified by renumbering sub-paragraph 7, sub-paragraph 8 and adding the following sub-paragraph:

7. A storm water management basin which does not meet setback and other location regulations.

**Section 2.** §522, Drainage and Storm Water Management, shall be amended by deleting existing subsection “F. Detention and Retention Facilities” and replacing it with the following subsection:

F. Storm Water Management Basins. Storm water management basins shall be required for all tracts except as subsequently noted below and shall be designed to provide adequate storage of storm water runoff for a 100-year storm event. Additional requirements include:

1. Basin required. A detention basin shall be required if site improvements will increase storm water runoff by one (1) cubic foot per second (CFS) in the 100-year storm event.
2. Permitted basin location. All storm water management basins shall conform to the following siting requirements.
  - Any storm water management basin in a residential zoning district shall be located within the setbacks for a principal building on the lot. For the purposes of this sub-paragraph, a residential district shall also include the PVD-1, PVD-2, PVD-3 and MX zones. For purposes of determining compliance, the setback shall be measured from the toe of an exterior slope of the bermed edge of a basin or, when the

edge is not bermed, the water's edge reached in a 100-year storm event, whichever provides the greater setback.

- In accordance with §525.H.1.c, no storm water management facility, including basins, shall be located within a required landscape buffer.
3. Use of retaining walls. No storm water management facility shall make use of retaining walls unless approved as part of a formal landscaping plan under sub-paragraph -5 below or if located in the interior of a basin and not visible from a public right-of-way or adjacent property (whether developed or undeveloped) from ground level.
  4. Naturalistic design required for detention. The detention area shall be graded creatively to blend into the surrounding landscape and imitate a natural depression with an irregular edge. Linear or geometric shapes are to be avoided unless approved as part of a formal landscaping plan under sub-paragraph -5 below.
  5. Formal design permitted for retention. The design for stormwater retention facilities may use a variety of landscape forms, including formal reflecting pools, fountain features, and naturalistic lakes and ponds. Retaining walls may be utilized when essential to formal landscape designs which incorporate water features and/or stormwater management functions.
  6. Conveyance. Detention basins shall be designed to convey all runoff from the 100-year storm event from the basin without creating adverse impacts on property. Backwater impacts from the filling of the basin shall also be considered in the design of the facility.
  7. Detention basins shall discharge into a stable outfall structure, whether natural or manmade. Stability calculations based on the 100-year storm outflow shall be required showing adherence to Soil Conservation Service standards.
  8. Any storm water facility approved as a part of site plan or subdivision application shall be constructed and functioning prior to the issuance of a building permit for construction of a building. In the event that an approved site plan includes the renovation or adaptive reuse of an existing building, the

Municipal Engineer shall have the discretion to waive strict compliance with this sub-paragraph.

9. An agreement for the ownership and maintenance of detention facilities serving two or more lots, with cross easements, shall be furnished to the satisfaction of the Board of Jurisdiction.
10. Detention basins shall be constructed on individual lots (not part of a residential building lot) in all residential subdivisions and may be constructed within an easement in all residential minor subdivisions.
11. For development with less than one-quarter ( $\frac{1}{4}$ ) acre of new impervious surface coverage, a deed restriction shall be established which limits the total new impervious surface coverage to less than one-quarter ( $\frac{1}{4}$ ) acre. This impervious surface coverage limitation shall be applied to the subject lot or equally distributed between all lots within a subdivision, as deemed appropriate by the Board of Jurisdiction.

**Section 3.** Continuation. In all other respects, the Land Use Ordinance of the Township of Lawrence shall remain unchanged.

**Section 4.** Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Section 5.** Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the Township of Lawrence, then the provision which imposes the greater limitation shall be enforced.

**Section 6.** Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

**Section 7.** Enactment. This Ordinance shall take effect upon the filing thereof with the Mercer County Planning Board after final passage, adoption, and publication by the Township Council of the Township of Lawrence in the manner prescribed by law.



The Ordinance 2081-11 was adopted on the following roll call vote:

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

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Mayor Puliti read by title an ordinance entitled, " AN ORDINANCE ESTABLISHING THE TITLE AND SALARY FOR THE POSITION OF FIRE LIEUTENANT"

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

Ordinance No. 2082-11

AN ORDINANCE ESTABLISHING THE TITLE AND SALARY FOR THE POSITION OF FIRE LIEUTENANT

BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey that there shall be created the position of Fire Lieutenant and such compensation as provided for herein in the classification of the Local 96 Union of the Firefighters' Mutual Benevolent Association as follows:

Section 1.

Fire Lieutenant	Grade 3
Salary (2011)	\$65,653
Effective January 4, 2011	
Salary 2012	\$67,458
Salary 2013	\$68,976

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 twenty (20) days after adoption thereof.

The Ordinance 2082-11 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. Powers	X						X
Mayor Puliti	X						

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**Manager’s Report –**

Mr. Krawczun submitted an invoice listing for the month of January 2011 in the amount of \$909,429.18.

Mr. Krawczun advised that he had an opportunity to speak with the Police Chief about various amendments to the Towing Ordinance and asked if the Council had any particular items they would like for them to consider during their review. And, if so, they can either email their suggestions or present them to him tonight. He then proceeded to review some of the changes that were previously discussed with regards to denial of application and the appeal process for re-inspections. A brief discussion followed regarding some of the amendments to the ordinance.

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**Attorney’s Report –**

There was no Attorney’s report.

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**Clerk's Report –**

There was no Clerk's report.

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**Council Initiatives/Liaison Reports –**

Councilmember Mount's report:

- Advised that the Green Team Advisory Committee is holding a joint meeting at the Police Headquarters on Thursday, February 17<sup>th</sup> at 7:30 p.m. for any Committee or groups in Township who are working on some of the action items for Sustainable Jersey, so they can share ideas and help each other with sustainable projects.
- Advised that the Sustainable Mobility Committee is posing some type of bike ride in June and she will follow-up with the details. Additionally, they are working on a Safety Campaign focusing on road crossings and pedestrian bike paths.

Councilmember Kownacki's report:

- Reported that both the Municipal Alliance on Drug and Alcohol and the Health Advisory Board had their first meeting of the year, and the Affordable Housing Board is scheduled to meet on Thursday, February 17<sup>th</sup>.

Councilmember Bostock's report:

- Advised that various Committees all met; but there is nothing to report at the present time.

Mayor Puliti's report:

- Reported that the Recreation Advisory Committee is still working on increasing participation in sport programs for girls, and Mr. Groeger, Superintendent of Recreation, previously sent out surveys which he still compiling, and he will update the Council on that review upon completion. They are also still looking for sponsors for the Fourth of July fireworks.

- Stated that he was not present for the Public Safety Advisory Committee meeting, so there is nothing to report.
- Advised that the Lawrence Township Chamber of Commerce is having a luncheon at ETS, Chauncey Center on April 7<sup>th</sup> for an update on the Township and asked the Council to mark their calendars accordingly.

Councilmember Powers' report:

- Advised in October the Mercer County Regional Chamber of Commerce nominated a new president, former County Executive Robert Prunetti, and that the Growth & Redevelopment Committee invited him to be a guest speaker at their meeting where he spoke about taking the organization to the next level.
- Advised that the Human Relations Committee meeting is scheduled for tomorrow night; but they have confirmed Diversity Day will take place on Sunday, May 15<sup>th</sup> from 12 - 4:00 p.m. in the cafeteria at the Lawrence High School.
- Stated that the Shade Tree Advisory Committee recommended that a Planning Board member serve as a liaison to the Committee similar to some of the other committees; but he has a concern with regards to the "National Arbor Day" foundation requirements and the Planning Board member having to be a member of the Shade Tree Commission. Further, he did bring the matter to the attention of the Township Attorney for an opinion.

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**Written Communications –**

There was no written communications.

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**Old Business –**

Mr. Powers stated in terms of transitioning he just wanted to touch bases with Mayor Puliti as to his plans of attending the Route 1 Mayors meetings, where a group of Mayors from adjoining towns get together periodically to discuss issues concerning the Route 1 Corridor. Mayor Puliti advised that he has touched bases with the other Mayors and he will be attending the meetings.

Mayor Puliti advised that the Route 1 Committee will be merging with the Growth & Redevelopment Committee which will be done by Ordinance, after which the Municipal Clerk advised that they will need to add additional members which she will prepare for the next meeting.

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**New Business –**

Mr. Powers stated that Rider University has expressed interest this year in partnering with the Township for the Easter Egg Hunt. Mayor Puliti advised that he did receive the email regarding their interest and he will be meeting with representatives from Rider to discuss the idea after Mr. Krawczun introduces the municipal budget.

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

8:08 P.M.

Respectfully submitted by,

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Kathleen S. Norcia, Municipal Clerk

Attest:

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Gregory J. Puliti, Mayor