

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

October 18, 2011

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, October 18, 2011, at 7:00 P.M.

The meeting was opened with the Inspiration 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, October 18, 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, Mount, Powers and Mayor Puliti.
Absent: None.

Also, in attendance were Richard S. Krawczun, Municipal Manager, and Michael W. Herbert, Esq., Municipal Attorney.

Proclamations and Honors

Proclamation Declaring October as Breast Cancer Awareness Month

Proclamation

WHEREAS, one out of eight women in the United States will be diagnosed with cancer in her lifetime. A majority of women diagnosed with breast cancer have no known risk factors outside of their gender and getting older. All women are at risk. In 2011, an estimated over 192,000 new cases of breast cancer are expected to occur among women – that is one woman every three minutes. Every three minutes, someplace, somewhere, a woman is diagnosed with breast cancer in the U.S. In 2011, an estimated nearly 2,000 men will be diagnosed with breast cancer; and

WHEREAS, in New Jersey, approximately 6,500 women are expected to be diagnosed in 2011. Studies show that if women followed breast health screening guidelines and women in need of a

mammogram had one, the mortality rate would decrease by at least 30 percent, the screening guidelines are:

- ♀ Do breast self-exam regularly, starting by age 20 and should be performed at the same time each month.
- ♀ Clinical breast examination by physician or trained health professional, over age 20 every three years and annually after age 40.
- ♀ Age 40+ annually or recommended by your physician

WHEREAS, to benefit the health of the Lawrence Township community, this Proclamation is strongly made to increase Public Awareness and understanding of breast cancer, breast health and importance of early detection. When the public understands and learns about breast cancer awareness, women's overall health dramatically improves, early detection increases, and chances for full recovery are higher. Detecting breast cancer at the earliest, most treatable stages gives women more treatment choices and significantly results in more women able to fight the battle and survive!

NOW, THEREFORE, I, Gregory J. Puliti, Mayor of Lawrence Township, on behalf of the Lawrence Township Council, do hereby proclaim the month of October 2011 as Breast Cancer Awareness Month, and encourage all women in our community to become 'aware', to make early detection a regular part of your lives, and to discuss a screening program with your physician or health care provider.

Review and Revisions of Agenda

There were no revisions to the agenda.

Public Participation

Bergen Street Matter –

Mr. Scott Bentivegna, 107 Nassau Drive, distributed copies of a speech to the Township Council regarding the Bergen Street matter. He then proceeded to read the speech into record and provided an in-depth review of his 10 Common Sense Points Handout reinforced by photos that he presented in support of his opposition to the striping, signage and safety statistics and future recommendations for Bergen Street.

"Good evening Council Members. My Name is Scott Bentivegna. I live at 107 Nassau St here in Lawrenceville. I mentioned two weeks ago I am a long distance runner who uses Bergen street as part of all my routes. For full disclosure, I am also a Professional Engineer licensed in Tennessee (not New Jersey) and a LEED Accredited Professional. For those not familiar with LEED, it is the primary certification for Engineers and Architects who practice sustainable design. I have come tonight to speak against the lines on Bergen Street and once again ask that they be removed.

I have been wondering why the Town Council has been reluctant at the last two meetings to quickly act on a situation that is obviously wrong. After some thought, I have come to two conclusions: 1) it is likely the Council Members are not familiar with the area and don't see what the residents see every day, and 2) there is some mis-information about what Complete Streets is and what Lawrence is required to do. Tonight I want to correct these two situations in the hopes that Council will swiftly act to remove the lines and revoke or amend the Lawrence Complete Streets policy.

Two weeks ago, several residents relayed anecdotal evidence that the street had become less safe because cars are now traveling faster up and down Bergen street. I personally complained that the lines gave people a false sense of security and that the shoulders had too many obstacles to be safely used by bikers or joggers. Some residents complained about the excessive signs and the potential loss in property value. We also heard from a member of the planning board (although not in an official capacity) that the striping was completely appropriate for the type of road Bergen Street is, and that financial or aesthetic concerns should not outweigh safety concerns. We also heard from a family with a young girl expressing how they felt safer with the lines in place. With this type of conflicting information, Council asked for a collection of historical accident information and results from the ongoing traffic study. I thought it would be

helpful for the Council to have some additional concrete evidence to help sort fact from fiction, and relate the results to this specific road.

The first thing that the Council members must realize is that the entire length of Bergen has a sidewalk along the southern side of the road from Lawrenceville-Pennington to Cold Soil. Additionally, the northern side of the road has a sidewalk on about 70% of the road. The only part not covered by sidewalk is in front of Village park or behind houses that back up to Bergen. While it may seem like a good thing that pedestrians feel safer with the lines, common sense (and safety statistics) tells us that pedestrians would BE safer if they used the sidewalk and crosswalk. Yet the Council did not mention this fact at the last meeting, possibly because they were not aware of the sidewalks configuration on the street. Because of this, I have assembled a list of 10 common sense points, mentioned by residents at previous meetings, and backed up by specific photos. In the following photos, a picture is worth a thousand words. Let the pictures sink in a second. Most of these pictures were gathered in less than 10 minutes just driving up and down Bergen Street. This is not some national traffic data. This is not some hypothetical "what if case. This is not some similar road in a neighboring town, or another road in Lawrence. This is not something that took days to wait for just the right set of circumstances. All of these things happened directly on the street in question, with the lines in place, and are probably going on even now as we speak, or at least during the day.

At the last meeting, we heard from Mr. Krawczun the various methods for removing the lines and the possible consequences of doing so. Some people have asked "Now that the lines are there, why remove them?" or "Who is going to pay to remove them?" Both excellent questions. Remember that at the last meeting that our planning official stressed that safety is paramount above financial considerations. As a Professional Engineer, my entire job revolves around protecting the public safety. If finances were the only argument against removal, it would be a very weak argument. We saw how in the pictures a family of bikers disregarded all of the lines and how an approaching driver would not veer out of the lane to safely pass. This is a tragedy waiting to happen. The town has the choice of either removing the lines now, or waiting for a tragedy to occur and then being forced to remove the lines following an expensive lawsuit. Tragedy, no tragedy. Either way, the lines have to come off.

We heard from Mr. Krawczun and several Council members that there might be financial repercussions since some of the funding was put out for bid with Complete Streets as part of the package.

Well, I did my homework. Nowhere on the [CompleteStreets.org](http://www.completestreets.org) website is there any mention of Bergen Street. I did check the National Highway Transportation Safety Administration (<http://www-nrd.nhtsa.dot.gov/Pubs/811394.pdf>) which did concur that pedestrians are safer on a sidewalk than walking in the street. The Federal Highway Administration does not mention Bergen Street in their Manual on Uniform Traffic Control Devices (MUTCD), nor even the NJ DOT website. Even the Lawrence Complete Streets policy aims to improve bicyclist and pedestrian safety, with no mention of Bergen Street, Wood Lane or any adjoining road.

The pictures clearly show that the stripe had the opposite of the intended effect. The striping was mis-applied to the road and took a good road with a safe set of sidewalks and created an unsafe shoulder that puts pedestrians and bicyclists into greater danger. This mis-application was not a national Complete Streets order, nor a federal directive, nor a state mandate. It was an individual, in this town (or possibly a group of individuals), that made that mistake.

The question before us is: how to fix this mistake and prevent this from happening in the future. We must first get over the notion that safety is free if we just paint some lines on the road. There is a reason that professional engineers, dedicated to preserving the public safety, are the people who design roads, produce blueprint drawings and specifications, do traffic studies, and even solicit input from all the stakeholders including the residents. For anyone who might roll their eyes that this is too expensive, that reinforces my point that safety is not free. If we want people to use the sidewalks, they should not be using the streets. We have already seen that bicyclists do not stay within the painted shoulders. The pictures paint a graphic foreshadowing of a tragedy to come if we leave the lines as-is. For these reasons, we must remove the lines, and the excessive signage. The sooner, the safer.

To prevent this from occurring again, the Town Council must understand that safety is not free. It must impose an immediate moratorium on any more striping projects. If you really want to make roads safer for pedestrians and bicyclists, start with the least safe roads like Cold Soil, Province Line, and Franklin Corner from 206 to Princeton Pike. Studies of these roads, by a Professional Highway Engineer, with the resident's input, is the only way to ensure safety.

Finally, the Council itself made a gross misjudgement that the residents welcomed this change. Those of us here tonight may seem like just a small group of dissidents. Some Council members may believe that only a few residents on Bergen Street are unhappy, or that maybe only half are unhappy versus happy. You could not be more wrong. When Bergen Street residents were asked if they would sign a petition asking the lines be removed, it wasn't a minority, or half, or even a simple majority that signed... It was UNANIMOUS that all available residents that were asked were glad to sign. In fact, there are still more residents upset by the lines but who were unable to sign the petition this past weekend. Do not, for one second, take the silent majority for granted as giving tacit approval. They do not approve and they want the lines removed.

As a Council Member, if any well meaning group of volunteers, or a city official, or a professional highway person, or a government agency, or any other person tells you it is safe to mix people and cars, it is your duty to make them prove to you it is safer than what is there today and you are also bound to serve the wishes of the affected residents. Council cannot be a rubber stamp on anything this important to safety. Past experiences like Thalidomide, Asbestos, DDT, agent Orange, etc. should reinforce the Council's vigilance in asking tough questions of policy proponents when deciding how something should be applied and not mis-applied.

Going forward, in lieu of lines, you will likely hear many residents offer suggestions for techniques to get drivers to slow down on Bergen. My preference is the radar signs, mounted on the speed limit sign, that provides both immediate monitoring of speed and long term traffic data. This works very effectively on North 206 in Princeton.

Hopefully my pictures and other documents have helped you see the wisdom of removing the lines and rethinking the application of Complete Streets in Lawrence. I have brought a lot of weighty material to the table tonight so I would like to end with a short quip "Governing would be easy if it wasn't for those pesky residents."

"Thank You and good night."

Mr. Dennis Waters, 4 Ivy Glen Lane, stated that he has had an opportunity over the past couple of years to speak on the subject of Complete Streets to the Mercer County Planning Board, Township Planning Board and he now has an opportunity to speak on the same subject with the Town Council for which he is grateful. He then advised that he is a cyclist and he lives very close to Bergen Street and as a cyclist he rides up and down Bergen Street many times a week and based on his personal experience he can assure everyone that the situation with the new striping makes him personally feel much, much safer.

Mr. Waters advised that there are obstacles on the shoulder but he knows if he is on the right side of the line he is in much better shape, as he has been riding on Bergen Street before it was paved all the way through - almost 20 years – and prior to the striping motorists not knowing where they were supposed to be always created a hazard and in his view the street is much more delineated and safer; but obviously in hind site it would have been terrific if they could have all gone out, seen and taken photographs of the antics of various drivers, cyclists, pedestrians and whatnot in the pre-striped days, as there were many, and from his perspective they are in a much better situation than they were in the past.

In closing, Mr. Waters commended the Council for supporting Complete Streets as a policy in Lawrence Township which he felt was the right thing to do at the time they adopted the policy, as well as, today and continued to discuss the importance of safety versus aesthetics and urged the Council to continue their support for the Complete Streets Initiative.

Ms. Ruthann Jennings, 1 Woodlane Road, advised that she would be presenting the Council with a petition of signatures from the residents of Bergen Street and that none of the residents were opposed to signing the petition although there were some residents not available to sign. She stated in response to the previous comments she thinks they all can agree that safety should trump aesthetics and based on the discussion at the last meeting the Council was supposed to present them with some information regarding pedestrian/vehicular safety on Bergen Street.

Ms. Jennings stated their main concerns are not based on the number of pedestrian accidents being she has lived in her home for 20+ years and she cannot recall any incidents taking place with pedestrians. Their major concerns are with the new striping on Bergen Street that has causes motorists to speed at a tremendous rate, the lineage/signage being very confusing and unattractive and all the lineage causing Bergen Street to be narrower thereby making it unsafe for pedestrians.

Ms. Jennings advised in the past six weeks she has become a lot more educated in Complete Streets and she thinks it is a great concept; just the wrong model was applied to Bergen Street being the street is not wide enough to accommodate all the striping and signage that has been put on it. She then proceeded to elaborate on Bergen Street looking like a freeway and motorists treating it like a freeway as it relates to public safety and the Council's lack of practicing good government by not notifying the residents of the aesthetic/appearance changes to their neighborhood. In closing, she urged the Council to revisit the issue as she feels it is a real public safety concern.

Mr. Grady Newman, 89 Fairfield Avenue, stated that he was present at the Council Meeting two weeks ago and that he was one of the residents who spoke in favor of the new striping on Bergen Street and just this past weekend he was biking on Bergen and he did feel a lot safer. He indicated yard waste is an issue but they do have an ordinance in place so he would encourage all the residents on the street to fulfill their obligation by keeping the street clear, and the only other thing he found confusing and more dangerous was the sign at the crosswalk indicating "here's a crosswalk"; but other than that he would like to thank the Council for implementing the Complete Streets policy and for making the street a little safer.

Mr. Peter Kremer, 16 Laurel Wood Drive, stated that he is a cyclist and he actually road his bike to the meeting tonight and that he rides his bike up and down Bergen Street once or twice a week all year long so he is very aware of the conditions as he lives on Laurel Wood Drive and it is essential for him to use Bergen to get anywhere. He indicated that half of the other streets that connect to Bergen Street have no outlets and proceeded to discuss a couple of streets that have only one outlet so about half of the residents have no other choice but to use Bergen Street so that is almost the definition of a collector street.

Mr. Kremer advised that he has been in the street classification business for 20 years and Bergen Street is a collector street and that is what it is called in the Lawrence Township Master Plan; although, some people call it a cut-thru street which is essentially the same thing. He indicated last summer he was almost hit several times by someone who cut the left turn very tight and by having that yellow line in the middle of the road lets drivers know that they have to be on the right side of the road – not on whatever side they choose to make a real quick turn.

Mr. Kremer stated in response to those who said Bergen Street is the same width as Cold Soil and Lawrenceville-Pennington Roads he took the liberty of measuring all three of those roads and they all measured differently, after which he discussed the difference in measurements between the lanes on each of the roadways. He further discussed a roadway and design manual used by NJDOT that describes the shoulder of road being designed for cyclists as it is a paved portion of the roadway not intended for motor vehicle traffic or parking; but

for the use of bicycle traffic which means moving vehicles have no business on the shoulder as it is not a passing or a turning lane.

In closing, Mr. Kremer reiterated his support for the work that was done on Complete Streets and stated it is his understanding in terms of the liability under the New Jersey State Code that if a pedestrian is struck by a vehicle while biking or walking on the shoulder of the road the driver of that vehicle is liable, not the Township and continued to elaborate on the roads system being designed for the movement of people and goods and not vehicles being some people do not drive.

Ms. Babette Ruttman, 414 Bergen Street, stated that she would like to make a comment about the shoulder of the road being she has heard various views as to its function of the road and indicated based on her understanding the shoulder of the road that is for guest parking does not hold her or her guests' cars so on any given Sunday if someone passes her house they will see their cars parked over the shoulder of the road.

Ms. Ruttman indicated if a person is biking, jogging, running, etc. they will have to weave in and out of traffic or jump up onto the sidewalk because of the garbage, recyclables and sometimes brush that is put out on Sunday, and because the shoulder is not wide enough to accommodate all of those things it forces the vehicles that are parked on the shoulder to go over the white line and the ongoing traffic to move outside the yellow which she feels is a major safety concern and where the conflict of interest lies and proceeded to elaborate on her comments regarding public safety.

Ms. Chuening Tseng, 402 Bergen Street, distributed pictures of a car parked on the shoulder of the road on Bergen Street and advised that the car illustrated in the photo is her vehicle and as they can see she is parked very close to the curb and the wheel of her car is still outside of the white line, which she feels is very dangerous because if an accident occurs the person parked outside of the white line would more than likely be at fault as the ongoing traffic has the right of way and asked that the Council consider removing the white line as it presents a hazard for people parking on the street.

Mr. Krawczun stated that there were several options discussed at the last meeting with respect to the cost to remove the lines and advised that the estimated cost to remove the striping would be somewhere between \$10,000 to \$20,000 depending on the method of removal. He then distributed handouts of the traffic survey results submitted by the Police Department and proceeded with a detailed review of the data consisting of Bergen Street Statistics from 2002 to the present date, which included the number or citations issued, number of traffic stops made by police officers, number of traffic enforcement posts, number of motor vehicle accidents and the speeding percentile in the general area of Bergen Street.

An at length question, answer and comment period took place between the Council, Mr. Krawczun and the people in the audience regarding the traffic survey, Bergen Street being safe prior to the striping, the wideness of street with respect to public safety and the striping being inappropriate for the road, after which it was the consensus of the Council to further review the traffic survey and bring forth some type of resolution at the next meeting. In closing, the Council expressed their appreciation for all the input and questions they received that will help in their decision-making process.

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

Adoption of Minutes

On a motion by Mr. Powers, seconded by Mr. Kownacki, the Minutes of the Regular Meetings of **May 3, 2011** were approved without corrections.

Same was carried on the following roll call vote:

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

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On a motion by Mr. Powers, seconded by Mr. Bostock, the Minutes of the Regular Meetings of **May 17, 2011** were approved without 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. Powers, seconded by Mr. Bostock, the Minutes of the Closed Session Meeting of **August 2, 2011** and **September 6, 2011** were approved without corrections.

Same was carried on the following roll call vote:

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

Introduction of Ordinances

Mayor Puliti read by title an ordinance entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 1136-88 AMENDING THE ADMINISTRATIVE CODE OF THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER - Mayor's Term of Office"

Mr. Krawczun advised that the Ordinance simply eliminates the annual reorganization of the Township Council in non-municipal election years, as the Council will reorganize after each municipal election on January 1st. An at length discussion followed relative to the Mayor's post not just being ceremonial, the benefits of selecting a mayor to serve a two-year term and soliciting public input prior to making a final decision on the matter.

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						X
Mrs. Mount		X					
Mr. Powers		X					
Mayor Puliti	X						

Resolutions

Resolution Nos. 316-11 (8A) thru 321-11 (8F) were approved by 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						

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 Puliti read by title an ordinance entitled, "BOND ORDINANCE PROVIDING FOR THE ROAD REPAIR AT THE INTERSECTION OF QUAKERBRIDGE ROAD AND PROVINCE LINE ROAD IN AND BY THE TOWNSHIP OF LAWRENCE IN THE COUNTY OF MERCER, NEW JERSEY APPROPRIATING \$50,000, INCLUDING GRANT FUNDS EXPECTED TO BE RECEIVED BY THE TOWNSHIP OF LAWRENCE TO OFFSET AUTHORIZING THE ISSUANCE OF \$47,500 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF"

Ordinance No. 2108-11

BOND ORDINANCE PROVIDING FOR THE ROAD REPAIR AT THE INTERSECTION OF QUAKERBRIDGE ROAD AND PROVINCE LINE ROAD IN AND BY THE TOWNSHIP OF LAWRENCE IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$50,000, INCLUDING GRANT FUNDS EXPECTED TO BE RECEIVED BY THE TOWNSHIP OF LAWRENCE TO OFFSET AUTHORIZING THE ISSUANCE OF \$47,500 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

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 2 of this bond ordinance is hereby authorized to be undertaken by the Township of Lawrence, New Jersey as a general improvement. For the improvement or purpose described in Section 2, there is hereby appropriated the sum of \$50,000 including any grant funds expected to be received and the sum of \$2,500 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment referred to in Section 1, negotiable bonds are hereby authorized to be issued in the principal amount of \$47,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for road repair at the intersection of Quakerbridge Road and Province Line Road, including engineering and all work and materials therefore or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is \$ 50,000.

Section 4. All 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 subject to the provisions of the Local Bond Law. 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 capital budget of the Township of Lawrence is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated: (a) The purposes described in Section 2 of this bond ordinance are not current expenses. They are all improvements that may be lawfully undertaken as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness, and the reasonable life of the project, within the limitations of the Local Bond Law, is 20 years.

(c) 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 \$47,500 and the obligations authorized herein will be within all debt limitations prescribed by the Law.

(d) An aggregate amount not exceeding \$5,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purpose of improvements.

Section 7. The grant referred to in Section 1 and any other grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The Chief Financial Office 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, the 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 9. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal 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 10. The Township reasonably expects to reimburse any expenditures towards the cost of the improvement or purpose described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same “control group” as the Township, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. The Section is intended to be and hereby is a declaration of the Township’s official intent to reimburse any expenditures towards the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.103-13(j) or 1.148-9(g) to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

Section 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The Ordinance 2108-11 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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Mayor Puliti 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 – Dog License Fees”

Ordinance No. 2109-11

AN ORDINANCE AMENDING CHAPTER 6A: 'FEES: THE CONSOLIDATED LICENSE, PERMIT AND FEE CHAPTER' 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 6A entitled 'Fees: The



Section II. Salaried Employees

The attached list of salaried positions and job titles are hereby authorized and assigned the appropriate salary ranges for 2010-2013.

This ordinance will continue the Township’s consistent policy of providing comparable fringe benefits to exempt employees during their active service as that provided to Supervisors, CWA Local 1032, through their collective bargaining agreement. The Township will still maintain the flexibility of granting retiree benefits to exempt employees hired after January 1, 2011. Accordingly, employees covered by this ordinance that are eligible for health and/or prescription benefits shall contribute three percent (3%) of their premium for coverage selected commencing January 1, 2011.

Section III. Part-Time or Seasonal Employees

The following part-time or seasonal positions and job titles are hereby authorized and assigned the following pay maximums commencing January 1, 2010, 2011, 2012 and 2013:

| <b>Position of Job Title</b> | <b>Basis</b>  | <b>2010</b>                                               | <b>2011</b>                                               | <b>2012</b>                                               | <b>2013</b>                                               |
|------------------------------|---------------|-----------------------------------------------------------|-----------------------------------------------------------|-----------------------------------------------------------|-----------------------------------------------------------|
| <b>Armed Court Attendant</b> | <b>Hourly</b> | <b>X</b>                                                  | <b>22.00</b>                                              | <b>22.59</b>                                              | <b>23.16</b>                                              |
| Emergency Medical Technician | Hourly        | 19.00                                                     | 19.50                                                     | 20.00                                                     | 20.50                                                     |
| Firefighter                  | Per Diem      | 125.00                                                    | 125.00                                                    | 130.00                                                    | 130.00                                                    |
| Laborer (Seasonal)           | Hourly        | 9.75                                                      | 10.00                                                     | 10.28                                                     | 10.53                                                     |
| Life Guard                   | Hourly        | Federal Minimum Wage up to 15.00                          |
| Recreation Aid               | Hourly        | Federal Minimum Wage up to 34.00                          | Federal Minimum Wage up to 34.90                          | Federal Minimum Wage up to 34.90                          | Federal Minimum Wage up to 35.75                          |
| School Traffic Guard         | Hourly        | 14.90                                                     | 15.29                                                     | 15.71                                                     | 16.10                                                     |
| Secretary/Board & Committee  | Per Annum*    | 1,300.00                                                  | 1,300.00                                                  | 1,300.00                                                  | 1,300.00                                                  |
| Tax Search Officer           | Per Annum     | 9,890.00                                                  | 10,147.00                                                 | 10,426.00                                                 | 10,687.00                                                 |
| Zoning Officer               | Per Annum     | 4,600.00                                                  | 4,720.00                                                  | 4,849.00                                                  | 4,971.00                                                  |
| Municipal Court Attendee     | Hourly        | 19.22                                                     | 19.72                                                     | 20.26                                                     | 20.77                                                     |
| All Others                   | Hourly        | Federal Minimum Wage up to Step 1 in Applicable Job Title | Federal Minimum Wage up to Step 1 in Applicable Job Title | Federal Minimum Wage up to Step 1 in Applicable Job Title | Federal Minimum Wage up to Step 1 in Applicable Job Title |

\*Denotes title paid monthly. All other titles bi-weekly.

Section IV. Eligibility

The ranges in Section II of this ordinance shall pertain to individuals employed by the Township of Lawrence on or after the effective date of this ordinance.

Section V. Longevity

- A. Each full time employee shall be entitled to longevity pay based solely on the length of full time employment with the Township of Lawrence. The payment shall be made in conjunction with the payment of the base rate of compensation as defined in this ordinance and shall be in accordance with the following schedule:

| <b>Length of Service</b>                            | <b>2010-2013</b> |
|-----------------------------------------------------|------------------|
| Beginning in year 8 through 11                      | 800              |
| Beginning the 12 <sup>th</sup> year through year 15 | 1100             |
| Beginning the 16 <sup>th</sup> year through year 19 | 1400             |
| Beginning the 20 <sup>th</sup> year through year 23 | 1700             |
| Beginning the 24 <sup>th</sup> year through year 27 | 2000             |
| Beginning the 28 <sup>th</sup> year and beyond      | 2300             |

- B. Longevity pay, as heretofore set forth, shall become effective January 1<sup>st</sup> or July 1<sup>st</sup>, the date nearest to the anniversary date of employment.

Section VI. Other Personnel and Working Conditions

All other functions, responsibilities and rights not specifically enumerated in prior sections of this ordinance shall be judged to be within the province of management, subject only to the laws, rules and regulations of the New Jersey Department of Personnel, the provisions contained in applicable agreements (if any) or policy manuals, and by the issuance of Administrative Directives by the Municipal Manager.

Section VII. Repealer

All other ordinances or parts of ordinances adopted prior to the date of this ordinance that are inconsistent with the provisions of this ordinance, are hereby repealed insofar as they relate to or concern the job classifications listed in this ordinance.

Section VIII. 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 IX. Effective Date

- A. This ordinance shall become effective immediately upon adoption thereof.
- B. All salary or compensation provided for and by this ordinance shall be effective the first day of January.

The Ordinance 2110-11 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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Mayor Puliti read by title an ordinance entitled, "ORDINANCE AMENDING CHAPTER 19 OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE ENTITLED "POLICE DEPARTMENT" - Court Attendant

Ordinance No. 2111-11

ORDINANCE AMENDING CHAPTER 19 OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE ENTITLED "POLICE DEPARTMENT"

BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that Chapter 19 of the Administrative Code entitled "Police Department" be hereby amended as follows:

Article III Armed Court Attendant.

Sec. 19-14. Appointment:

The Township Manager and Municipal Judge may from time to time by resolution appoint Armed Court Attendants pursuant to 2C:39-6.c.(4), applicable Civil Service requirements and the provisions of this article.

Sec. 19-15 Term of Office

Appointment under this article shall be for a term not exceeding one year, and shall be revocable by the Township Municipal Judge or Township Manager with or without cause and without notice of hearing or the filing of charges. Such Armed Court Attendant shall not be members of the Police Department and their powers, rights and duties shall immediately cease at the expiration of the term for which they were appointed or upon revocation of their appointment, whichever is first.

Sec. 19-16. Investigation of qualifications of prospective appointee.

Before any appointment is made, the Chief of Police shall, upon request of the Township Manager and Municipal Judge, ascertain whether the applicant for appointment is qualified under the applicable laws of the state and the provisions of this article, and shall report thereon to the Township Manager and Municipal Judge within thirty days after such request, unless the period of time is otherwise extended.

Sec. 19-17. Qualifications

No person shall be appointed as an Armed Court Attendant unless he or she meets the following qualifications. The applicant shall:

- (a) Be twenty-one years of age or over.
- (b) Be physically and mentally fit in the opinion of the township physician and township psychologist respectively.
- (c) Be a citizen of the United States and a resident of the state.
- (d) Be able to read, write, and speak the English language fluently.
- (e) Not have been convicted of any crime.
- (f) At the time of his appointment have graduated from or obtained certification from a New Jersey Police Training Commission recognized training program with firearms qualifications.
- (g) Be of good moral character.

Sec. 19-18. Supervision and direction.

- (a) Such Armed Court Attendant shall be under the supervision and direction of the Chief of Police and shall abide by the rules and regulation of the Police Department as now or hereafter adopted insofar as they are applicable to the duties and responsibilities of Armed Court Attendant.
- (b) During times of court session, the Armed Court attendant shall perform court functions as directed by the Municipal Court Judge and described in New Jersey Civil Service job specification for Court Attendant.

Sec. 19-19 Powers and duties.

In addition, such Armed Court Attendant shall:

- (a) Report to and obtain permission from the Chief of Police or designee prior to performing as Armed Court Attendant.
- (b) Complete Departmental in-service as directed by the Chief of Police in firearms, use of force and arrest, search and seizure to comply with all statutes and applicable policies.
- (c) Dress in Armed Court Attendant uniform and carry Township weapons only when performing duties in the Municipal Court in the Township or during in-service requalification as directed by the Chief of Police.

Sec. 19-20. Carrying of weapons.

No Armed Court Attendant shall carry a firearm or other weapon when off duty under the office of Armed Court Attendant or authority of the Township as an Armed Court Attendant. Carrying of weapons off-duty is permissible only to the extent state, federal, or local laws allows the individual person.

Repealer

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

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.

Effective Date

This ordinance shall take effect twenty (20) days after adoption thereof.

Brackets are deletions []
Underlines are additions _____

The Ordinance 2111-11 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, "ORDINANCE PROVIDING FOR SIDEWALK IMPROVEMENTS IN AND BY THE TOWNSHIP OF LAWRENCE IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$2,488.77 THEREOF AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF"

Ordinance No. 2112-11

ORDINANCE PROVIDING FOR SIDEWALK IMPROVEMENTS IN AND BY THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$2,488.77THEREFOR 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 \$2,488.77.

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

| <b>OWNER of RECORD</b>        | <b>No.</b> | <b>PROPERTY ADDRESS</b>       | <b>TOTAL</b>      |
|-------------------------------|------------|-------------------------------|-------------------|
| Vernon P. & Lisbeth Kelley    | 106        | Lawrenceville-Pennington Road | \$1,559.98        |
| F. Jay & Margaret D. Breyer   | 106        | Bergen Street                 | \$159.98          |
| Vytas Laitusis & Cara Cahalan | 307        | Bergen Street                 | \$235.53          |
| Oscar & Jori D. Fahrenfeld    | 404        | Bergen Street                 | \$297.75          |
| Wlodzimierz & Theresa Zaleski | 406        | Bergen Street                 | \$235.53          |
|                               |            |                               | <b>\$2,488.77</b> |

(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 five (5).

(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 assessment is \$2, 488.77.

The Ordinance 2112-11 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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**Manager’s Report –**

Mr. Krawczun submitted invoice listings for the month of September 2011 in the amount of \$1,176,069.49.

Mr. Krawczun stated at the last meeting there were some discussion and questions concerning the remediation at the Lawrence Road Firehouse and the Administration anticipate having the contracts prepared for Council’s consideration at the November 1<sup>st</sup> meeting.

Mr. Krawczun stated that a proposed Ordinance was distributed to the Council regulating the sales of precious metals and gems and at that time there were questions concerning the Ordinance. He advised that the Ordinance has since been revised to include such changes and distributed the revised copies the Council for their review and consideration and indicated if there are no questions or concerns regarding the revisions the Ordinance will be set for introduction at the November 1<sup>st</sup> meeting.

Mr. Krawczun reported that the next Flu Clinic is set for Thursday, October 27<sup>th</sup> from 2:30 pm to 4:00 pm at the Municipal Building and that the clinic will be opened only to residents, as residency is required. He further discussed the health insurance and fee requirements for people over 60 years of age and the fee being waived for individuals with a chronic illness, after which Councilwoman Mount commended the Health Department on the great job they do at the clinics.

Mr. Krawczun also reported that the renewal of the Food Establishment Licenses that the Health Department mails out annually is now being emailed to the licensees and so far the process seems to be working well. He advised that they started the process last year and out of the two hundred and sixty eight establishments one hundred and thirty are sent out by email and they are continuing to build that list so they can cut down on the mailing cost.

Mrs. Mount stated that the Public Safety Committee did a report on some of the issues that originated from Hurricane Irene and asked Mr. Krawczun if the Council could possibly get a report of the findings. Mr. Krawczun advised that he will follow-up on with Emergency Management Coordinator and get back to them as soon as possible.

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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:

- No Report.

Councilmember Kownacki’s report:

- No Report.

Councilmember Bostock’s report:

- Advised that the Dinner Dance held on September 23<sup>rd</sup> marking the 20<sup>th</sup> Anniversary of the Senior Center went really well, and it was a very nice event, well attended by the seniors and everyone had a great time.

Councilmember Powers report:

- Advised that the Economic Development Awards held on October 4<sup>th</sup> with the Chamber of Commerce went very well and this year the event was held at the Special Olympics facility on Princess Road, and they got an opportunity to tour the facility and receive a presentation regarding the 2014 Special Olympics, where there will be 3500 athletes involved in the event and lots of activities on Princess Road.

Mayor Puliti's report:

- Advised that the Public Safety Advisory Committee meeting was cancelled due to a scheduling conflict with the fire companies.
- Stated that the Recreation Advisory Committee is seriously considering relocating Community Day, but they have a few issues to work out and that the base factor for the move is circulation and the previous setup being a continuous circle, as well as, the problem of rain being there is no shelter. He advised that the proposed setup would allow a person to go around and browse and revisit a table as many times as they desire, and that Steve Groeger, Superintendent of Recreation, is working on the matter and he will submit something to the Municipal Manager so there will be more to come on the matter.

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**Written Communications –**

There was no written communication.

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**Old Business –**

There was no old business.

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**New Business –**

There was no new business.

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

8.43 P.M.

Respectfully submitted by,

\_\_\_\_\_  
Kathleen S. Norcia, Municipal Clerk

Attest:

\_\_\_\_\_  
Gregory J. Puliti, Mayor