

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

April 18, 2012

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Wednesday, April 18, 2012, at 6:30 P.M.

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

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

STATEMENT OF PROPER NOTICE: “Adequate notice of this meeting of the Lawrence Township Council being held on Wednesday, April 18, 2012, 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 Lewis, Maffei, Powers, Puliti and Mayor Kownacki.
Absent: None.

Also, in attendance were Richard S. Krawczun, Municipal Manager, and David M. Roskos, Municipal Attorney.

Proclamation and Honors

Proclamation Declaring April Autism Month

Mayor Kownacki read the following Proclamation for the record declaring the month of April as “Autism Awareness Month”. He then turned the floor over to Mr. Tim Hitzel who briefly discussed his son, David, who was diagnosed with autism at 20-months and his involvement with Autism New Jersey, formerly known as COSAC. Thereafter, he introduced the organization’s Director of Development, Ellen Sziler, and Board of Trustees Secretary, Kathy Moore, and advised that they are all residents of Lawrence Township and their organization has been in the forefront for autism advocacy, State and Federal, for almost 50

years, after which he thanked the Council for their support in helping to bring awareness to autism.

Proclamation

WHEREAS, autism is a pervasive developmental disorder affecting the social, learning and behavioral skills of those affected by it; and,

WHEREAS, autism was once thought to be a relatively rare disorder, affecting only one in 10,000 people; and

WHEREAS, as more and more health professionals become proficient in diagnosing autism, more children are being diagnosed on the autistic spectrum, resulting in rates as high as one in 88 children (one in 49 in the State of New Jersey); and

WHEREAS, while there is no cure for autism, it is well documented that if individuals with autism receive treatment early in their lives, it often is possible for those individuals to lead significantly improved lives; and

WHEREAS, Autism New Jersey (COSAC) is spearheading an awareness effort in order to educate parents, professionals and the general public about autism and its effects,

NOW, THEREFORE, BE IT PROCLAIMED that I, James S. Kownacki, on behalf of the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, do hereby proclaim April 2012 as

AUTISM AWARENESS MONTH

in the Township of Lawrence and urge all employees and residents to participate in our municipality's Autism Awareness Month activities in order to become better educated on the subject of autistic spectrum disorders.

Review and Revisions of Agenda

There were no revisions to the agenda.

Public Participation

Prior to opening public participation, Mayor Kownacki stated that he will begin Public Participation with comments on the 2012 Municipal Budget, as introduced, and that the public hearing was advertised in The Trentonian on March 29, 2012. Further, the budget would not be adopted this evening as they are waiting for the Certification from the Division of Local Government Services and that the Public Hearing will be conducted on Tuesday, May 1, 2012, if necessary.

2012 Municipal Budget/Referendum Discussion

An at length discussion took place between the Township Council and the people in the audience regarding their opposition to the proposed 9-cent tax increase as it relates to the referendum to exceed the 2-percent cap that was rejected at the April 17 School Board Election. They also voiced their objection to the letter that was sent out from the Township regarding alternatives for trash collection if the vote was defeated, the proposed Trash User Fee Ordinance for curbside services and trash services remaining the same, their displeasure with Lawrence Township being one of the few towns in New Jersey asking to exceed the cap, cut back of expenses in the municipal budget – such as a reduction of salaries, benefits, personnel and programs, the Council not being fiscally responsible and them finding ways to work within the 2-percent cap to reduce taxes and the Council taking advantage of the free financial services offered by several residents in the audience to review the proposed 2012 municipal budget for possible solutions to the budget situation.

The following individuals voiced their concerns and/or objections to one or more of the issues listed above, as well as, proclaiming their love for Lawrence Township and their anger about the resounding effect the referendum had on the non-passage of the School Board budget at the April 17 School Board Election. (For detailed comments regarding the municipal budget, proposed tax increase and the referendum, please refer to the Minutes of March 20th and April 3rd)

- 1) Mr. Allen Cohen, 31 Pin Oak Drive, Lawrence Township, NJ 08648
- 2) Ms. Andrea Pennington, 59 Gedney Road, Lawrence Township, NJ 08648
- 3) Mr. Ira Marks, 6 Pembroke Court, Lawrence Township, NJ 08648
- 4) Mr. Kenneth Kiernan, 29 Gainsboro Road, Lawrence Township, NJ 08648
- 5) Mr. Max Ramos, 4 Woodland Road, Lawrence Township, NJ 08648
- 6) Mr. Joseph Ignas, 12 Rossa Avenue, Lawrence Township, NJ 08648
- 7) Joyce Copleman, 44 Titus Avenue, Lawrence Township, NJ 08648
- 8) Carol Harle, 117 Review Avenue, Lawrence Township, NJ 08648
- 9) Marvin Van Hise, 118 Federal City Road, Lawrence Township, NJ 08648
- 10) Clifton Perry, 45 Quince Court, Lawrence Township, NJ 08648
- 11) Amy Davis, 54 Pine Knoll Road, Lawrence Township, NJ 08648

After the discussion, Mayor Kownacki stated the decision of the Council to move forward with the Referendum was what he and his colleagues felt was in the best interest of the citizens of Lawrence being they did not want the residents of Lawrence to lose any services or pay for trash collection. Further, the letter that was mailed out to residents regarding alternative services for trash collection, provided the referendum was voted down, was a letter of explanation for informational purposes not an intimidation tactic or threat to services.

Mr. Krawczun advised that the deadline for the 2012 Municipal Budget will be determined by the Division of Local Government Services and that the Township is eligible for self-examination two out of every three years, but this year the Division is reviewing the budget and they have not completed the review, as of yet. In addition, they are statutorily past the adoption deadline for

the budget due to the referendum and because there are additional things that have to be done prior to approval of the budget they have no hard date; but they will be shooting for an adoption date of May 1st. A short comment, question and answer period took place relative to the budget process, funding and statutory criterias prior to the adoption of the budget.

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

Adoption of Minutes

On a motion by Mr. Powers, seconded by Ms. Lewis, the Regular Minutes of December 22, 2011 were approved without corrections.

Same was carried on the following roll call vote:

Ayes: Councilmembers Lewis, Maffei, Powers, Puliti, Mayor Kownacki.
Nays: None.

Introduction of Ordinances

Mayor Kownacki read by title an ordinance entitled, "AN ORDINANCE CREATING THE ENVIRONMENTAL RESOURCES AND SUSTAINABILITY GREEN ADVISORY COMMITTEE."

Mr. Krawczun stated that the Ordinance will authorize a consolidation of the Environmental Resources and the Green Team, as the two Committees will consolidate into one single committee designated as the Environmental Resources and Sustainability Green Advisory Committee.

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

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Ms. Lewis	X						
Dr. Maffei	X						
Mr. Powers	X						X
Mr. Puliti	X					X	
Mayor Kownacki	X						

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Mayor Kownacki read by title an ordinance entitled, "AN ORDINANCE CREATING A GREENWAY, OPEN SPACE AND STEWARDSHIP COMMITTEE"

Mr. Krawczun advised that the Ordinance will take a similar type action as Ordinance 7-B, as it will authorize the consolidation of the Greenway and Open Space Advisory and Stewardship Committee into one single committee designated as the Greenway, Open Space and Stewardship Advisory Committee.

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

| COUNCIL        | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|----------------|-----|-----|---------|--------|---------|------|--------|
| Ms. Lewis      | X   |     |         |        |         | X    |        |
| Dr. Maffei     | X   |     |         |        |         |      |        |
| Mr. Powers     | X   |     |         |        |         |      |        |
| Mr. Puliti     | X   |     |         |        |         |      |        |
| Mayor Kownacki | X   |     |         |        |         |      | X      |

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Mayor Kownacki read by title an ordinance entitled, "AN ORDINANCE AMENDING THE CONSOLIDATED LICENSE, PERMIT AND FEE CHAPTER OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE – Trash User Fee (if necessary)"

**AFTER MUCH OPPOSITION AND A LENGTHY DISCUSSION ON THE ABOVE ORDINANCE THE MATTER WAS TABLED**

The Ordinance was **tabled** on the following roll call vote:

| COUNCIL        | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|----------------|-----|-----|---------|--------|---------|------|--------|
| Ms. Lewis      | X   |     |         |        |         |      |        |
| Dr. Maffei     | X   |     |         |        |         |      |        |
| Mr. Powers     | X   |     |         |        |         | X    |        |
| Mr. Puliti     | X   |     |         |        |         |      | X      |
| Mayor Kownacki | X   |     |         |        |         |      |        |

**AFTER SOME ADDITIONAL CONVERSATION REGARDING THE MATTER, IT WAS THE CONSENSUS OF THE COUNCIL TO RE-EXAMINE THE BUDGET CUTS SUBMITTED BY THE TOWNSHIP MANAGER AND CREATE A FINANCIAL COMMITTEE CONSISTING OF THREE RESIDENTS WHO OFFERED THEIR SERVICES DURING PUBLIC PARTICIPATION TO REVIEW THE PROPOSED 2012 MUNICIPAL BUDGET (MR. IRA MARKS, MR. MARVIN VANHISE AND MR. MAX RAMOS)**

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

| COUNCIL        | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|----------------|-----|-----|---------|--------|---------|------|--------|
| Ms. Lewis      | X   |     |         |        |         |      |        |
| Dr. Maffei     | X   |     |         |        |         |      |        |
| Mr. Powers     | X   |     |         |        |         |      | X      |
| Mr. Puliti     | X   |     |         |        |         | X    |        |
| Mayor Kownacki | X   |     |         |        |         |      |        |

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Resolutions

Resolution Nos. 137-12 (8-A) thru 146-12 (8-J) were approved by the following roll call vote:

| COUNCIL        | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|----------------|-----|-----|---------|--------|---------|------|--------|
| Ms. Lewis      | X   |     |         |        |         |      | X      |
| Dr. Maffei     | X   |     |         |        |         |      |        |
| Mr. Powers     | X   |     |         |        |         |      |        |
| Mr. Puliti     | X   |     |         |        |         | X    |        |
| Mayor Kownacki | 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

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

Resolution No. 147-12

WHEREAS, on Thursday, March 22, 2012 bids were received and publicly opened for the project known as **Slackwood Fire Station Parking Lot Re-Paving**; and

WHEREAS, fourteen (14) bids were received and reviewed by the appropriate Township Officials; and

WHEREAS, the lowest responsible bidder was Richard T. Barrett Paving Company who submitted a bid in the amount of \$57,973.60, and

WHEREAS, in accordance with N.J.A.C. 5:50-14, a Certificate of Availability of Funds has been provided and the accounts to be charged are C-04-55-343-244 (\$53,500.00) and C-04-55-343-255 (\$4,473.60); and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that pursuant to the recommendations of the Municipal Engineer, the Mayor and Municipal Clerk are hereby authorized to execute a contract with Richard T. Barrett Paving Company, Inc., 400 Prospect Street, Trenton NJ 08618-2630 in the amount of \$57,973.60; and

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

Same was carried on the following roll call vote:

Ayes: Councilmembers Lewis, Maffei, Puliti and Mayor Kownacki.  
Abstain: Councilman Powers.  
Nays: None.

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#### Adoption of Ordinances

There was no adoption of ordinances.

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#### **Manager's Report –**

Mr. Krawczun submitted the Investment Reports for the months of January, February and March 2012.

Mr. Krawczun stated that there are two specific items that the Township will be participating with in some fashion that is basically a shared service for the Lawrence-Hopewell Trail (LHT). He advised that the first project of the Dyson Tract is scheduled to include a portion of the Lawrence-Hopewell Trail on the site and that the project was put on hold for the remediation of the dredge spoils at the site; and, because the Township received a No Further Action Letter the site is now eligible for the completion of the next leg of the LHT and that the funding for that segment of Trail was provided by Bristol-Myers Squibb (BMS) and that the Township did the first phase, contiguous to the Ecological facility, and they will now like to move forward with the project.

Mr. Krawczun indicated that they have received bids for the project and because they were under the available funding that remains on balance Bristol-Myers Squibb allowed the Township to hold the grant funds in abeyance until the remediation of the site; so, he will be bringing forth a bid award at the next Council meeting for Phase II Installation of the LHT on the Dyson Tract, using the grant funds from BMS. Further, there will be a small amount of funding left over that they will be examining for use to create a proper mid-block crosswalk across Princeton Pike, as the Trail will eventually be connected to Province Line Road.

Mr. Krawczun stated the second item involves the Lawrence-Hopewell Trail receipt of a grant for \$248,000 from the Delaware Valley Regional Planning Commission for building of the LHT and they would like to apply a portion of the funds for a section along Lewisville Road; an easement that had been provided to the LHT from BMS and is referred to as the old RCN site. He indicated that the LHT Corporation is interested in partnering with Lawrence Township to undertake the lead on the construction of the project, because if Lawrence takes the lead they would be responsible for the bidding and oversight of the work, so by them taking the lead the Township's only requirement would be some of the Municipal Engineer's time, as there will be no cash contribution required by the Township.

Mr. Krawczun indicated one of the benefits is that the residents of Lawrence have public access to the LHT and the easement has already been signed between BMS and the LHT Corporation. And, the second benefit is the left over grant funding of \$248,000 from the Lewisville Road site that will be sub-granted over to The Lawrenceville School by LHT Corporation for a connection of Lewisville Road on their side of the Trail. He then proceeded to elaborate on how the various paths will connect from place-to-place in Lawrence and complete a major portion of the LHT, after which he reiterated that there has been little or no money put out for a lot of the construction of the LHT and much of the Trail will be completed, primarily, because of the three-way shared services between the corporations, government and a non-profit. So, it is his recommendation that they continue their partnership and move forward with the documents to proceed if the Council concurs. There was no objection from Council with respect to Mr. Krawczun's moving forward.

Mr. Krawczun stated as follow-up to a previous meeting there was some discussion about a Resolution of Support for the Sustainable Raritan River Initiative; a program he has not heard any pros or cons about and is run by Rutgers University through the Bloustein School, and advised if there is no objection from the Council he will prepare a Resolution for the next meeting. There was no objection of the Council.

Mr. Krawczun distributed copies of a letter that was drafted by the New League of Municipalities seeking support from municipalities for the extension of the July 2012 commitment date for the Council on Affordable Housing (COAH) funding, and indicated that the Administration is working on the matter internally and that the Council has adopted a Resolution this evening supporting such legislation. So, if the Council concurs the letter will be sent to the Governor's office signed by members of the Governing Body.

Mr. Krawczun stated that the last item for discussion is the Lawrence Township School District budget that was also voted down last evening with the referendum, after which he distributed copies of a handout that was prepared by Tom Eldridge, Lawrence Board of Education Business Administrator, and indicated that Mr. Eldridge was helpful in providing them with the information, as

it shows the earlier panels that are pretty straight forward but they should take a look at the later panels because it provides them with good information and guidance on what areas of the school's budget may be reviewed and considered for change by the Governing Body.

Mr. Krawczun advised that the page four of the handout has a general guide for a calendar of events that was to occur and he would like to suggest a broad idea of an outline as to how they might want to consider reviewing the budget; because, although the statutory deadline for certification appears to be May 21, there are a lot of things that need to be done well in advance of that date. So, the date they should be shooting for is May 4 because if they have any list of recommendations to send back to the Board of Education members for review, that timeline would give them the opportunity to accept or reject the proposal and still leave time to certify the tax levy.

Mr. Krawczun also suggested that Lawrence Administrative staff and the School District staff meet to review the details then bring forward the information to the Governing Body during which time they can have Mr. Eldridge and Dr. Lovell appear for questions, exchange information and call for Special Meeting, if necessary, and indicated that is basically a general outline of what needs to take place and a good starting point for purposes of discussion and dissemination of information. A short discussion followed relative to meeting dates.

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#### **Attorney's Report –**

Mr. Roskos stated that the Rent Stabilization Board is anxious to amend the Rent Stabilization Ordinance being it has not been revised since 1985, and earlier this year they had an Application that they had a great deal of difficulty in assessing, particularly, because it was brought under the claim of hardship and there is a lack of definitions in the Ordinance with regards to a reasonable rate of return and capital improvements for landlords. So, the Board is looking forward to working with the Council to adopt revisions to the Ordinance and he hopes to report back to the Council within the next 30 days with some specific concepts and certain suggested revisions to the Ordinance. A brief discussion followed relative to the Council or a member of Council meeting with the Chair of the Rent Stabilization Board to discuss the matter.

Mr. Roskos advised that he also has some good news to report, as he thinks the Township has a settlement in the offing in an Environmental matter where the Township was named as a Party Defendant. He indicated that the Plaintiff named a number of municipalities, where municipal road paving work had been done and the allegation was that the milling and other fills that were taken from municipal sites contaminated the site in question, and advised with the help of Mr. Krawczun and another employee they were able to go through

reams of documents that he thinks at this point have convinced the Plaintiff that the Township should not be a Party Defendant in that litigation and he is hoping to work out the settlement documents in the next week or two.

Mr. Roskos stated that they also have had some success in terms of a lawsuit where the Township was named a Party Defendant on a Multiple Count Complaint, and they got all the counts dismissed except one, which is a due process claim, as the Court felt the claim could not be dismissed without some Discovery. So, they hope to engage in some limited Discovery and at that point he intends to move for a Summary Judgment to remove the Township from that litigation, as well.

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#### **Clerk's Report –**

There was no Clerk's report.

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#### **Council Initiatives/Liaison Reports –**

##### Councilmember Lewis' report:

- Stated with respect to the Finance Committee that was suggested by Councilman Powers and Councilman Puliti she would like to suggest that they explore ways to poll residents via mail or online as to what services they would like to keep or cut because during the public discussion there were huge differences of opinion regarding the matter.
- Advised that the Growth & Redevelopment Committee is currently working to set up a meeting with the Colonial Heights Association to discuss growth and redevelopment along the Business Route 1 Corridor and they are also working on having meetings at different business locations throughout the community. In addition, they are reaching out to the Special Olympics to see how they can partner with them for the 2014 games in hopes of encouraging businesses to participate.

##### Councilmember Maffei's report:

- No Liaison Report.

Councilmember Powers' report:

- Stated, if allowed, he would like to work with Mr. Roskos in terms of drafting something for the Finance Committee as an Advisory Board to the Council.

Councilmember Puliti's report:

- Stated that he has no report for the Public Safety Committee, and as for the Recreation Committee the Memorial Day Parade is on May 19, which is taking place earlier this year.

Mayor Kownacki's report:

- No Liaison Report.

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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.

8:06 p.m.

Regular Meeting 04/18/12

Respectfully submitted by,

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Kathleen S. Norcia, Municipal Clerk

Attest:

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James S. Kownacki, Mayor