

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

December 4, 2012

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, December 4, 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 Tuesday, December 4, 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

There were no proclamations or honors.

Review and Revisions of Agenda

There were no revisions to the agenda.

Public Participation

Ms. Amy Davis, 54 Pine Knoll Drive, stated because there is no public participation listed after the Introduction of Ordinances she is left with no choice but to make her comments now without knowing the full details of Ordinances (6-A) – Increasing Recreation Fees, (6-B) – Increasing Zoning Fees and (6-C) – Increasing Fees for Emergency Medical Services that are being introduced tonight and advised that she does not have a problem with the Township proposing a fee increase for Recreation, Zoning or Emergency Medical Services because she understands they have a \$500,000 budget gap to fill and increasing taxes is an option and possible compromise in a bad budget situation. However, she feels there are drawbacks to the proposed five-year fee increase for the recreational programs as the drastic fee increase will price them out of the market and force residents to look elsewhere for low-cost programs and proposed some alternatives to increase revenues, to include the implementation of fees for senior programs.

Additionally, Ms. Davis vehemently objected to the Council introducing a fee for bulk trash pickup (Ordinance 6-D) despite whether the residents use the service or not and proceeded discuss her current nonuse of the service as well as her intentions of never using the service in the future because in her neighborhood and many other areas of Lawrence they have two competing individuals who drive by every week the night before trash pickup looking for items curbside to recycle and indicated when she remodeled her kitchen last summer her and her husband sold their appliances online and any additional large items they recycle in a green friendly manner like most of residents in Lawrence...so she does not need nor want the Township's bulk trash service and should not be forced to pay for the service and proceeded to elaborate on the proposed ordinance being a backdoor tax disguised as a new user fee to go over the 2% cap.

Ms. Davis further discussed her disappointment with regards to the Council not adding an additional public comment period after the Introduction of Ordinances and was advised by Mr. Roskos, Township Attorney, that the public is allowed to speak or ask questions on any of the ordinances being introduced during public participation and they also have an open public comment period after the Adoption of Ordinances. Furthermore, for clarification purposes he feels his comments to the Council with regards to adding an additional comment period was mischaracterized being he did not urge the Council to take action on the matter he provided them with a legal opinion as to their options on the matter.

After the discussion, Mr. Krawczun provided a detailed review of Ordinance 6-D (Bulk Waste User Fee) as it relates to the proposed fee range, and Mayor Kownacki advised that he pushed the public comment period matter back due to various circumstances and now that they have a full Body he will put the matter back on the Agenda for review and consideration by Council.

Ms. Barbara Nester, 20 Adele Court, stated she would like to apologize in advance if it is not the proper time to speak about the proposed Bulk Waste Ordinance being she did not see an asterisk denoting public participation but in reading the Ordinance it appears that every homeowner in Lawrence will be charged up to \$55 for the service whether they use it or not and she just wanted to go on record stating that it is wrong and unfair for people to be charged for something they do not use and proceeded to briefly discuss the fees adding up over a period of time and the Ordinance opening up the doors for the Council to assess other fees for services the residents do not want or use.

Mr. Edward, Wizinitzer, 118 Darrah Lane, stated he has not heard the Council or Manager Reports so what he is about to comment on might end up being stale or redundant and after they give their reports he may have something different to say and proceeded to discuss a Council meeting he attended many years ago where he tried to speak on a matter after public participation was closed and was shot down by the then Council; but, was later given the opportunity to speak off schedule and indicated that could happen to anybody at any time so he supports the idea of moving the public participation portion of the meeting to a later time slot on the Agenda and holding one public comment period after all of the reports are done; because the way public participation is currently set up on the Agenda it does not allow for the public to speak on certain matters until the next Council meeting, which he feels is not a productive way to communicate and makes what they have to say less than current.

Mr. Wizinitzer further discussed the proposed bulk waste user fee not being a bad idea and his view with regards to the fee not being imposed upon everyone and urged the Council to follow through with the idea he expressed at the last Council Meeting with regards to them doing an experiment for one year with a small fee for bulk pick and keeping track of how much collection is really needed, and after the year is over they can decide whether to keep or do away with the service and/or up the fee or impose a per use fee and indicated he understands both sides of the argument with regards to those who feel it is unfair to be charged for service they do not use and the Administration who has no idea how many times a year a resident will or will not use the service, therefore, spreading the fee equitably at the present time is best idea and continued to discuss a long list of alternatives for bulk waste pick up.

Mr. Jose Max Ramos, 4 Woodlane Road, stated he supports a second public comment period after the Manager's Report because it allows for the public to see the Council's interaction to the report and it is a betterment of the entire process and proceeded to discuss the proposed 13-percent increase and the Ordinances doubling the fees for recreational programs and was advised by Mr. Krawczun that the 13-percent fee increase is for one year and on Thursday Mr. Groeger would be attending the Recreation Advisory Committee with ideas to explore possible alternatives whether they be additional fundraising events,

sponsorships or types of programs that generate enough revenue to support other portions for the operations of the recreation area.

Mr. Ramos continued to discuss overall taxes going up into the teens over the course of the last several years and the proposed "fee" ordinances being a backdoor tax increase passed on as user fees to the residents for the same services they already receive and suggested that the Council consider those things before voting on those ordinances. It is such things as employees' salaries and benefits that they pay is what is hurting the Township and by increasing fees here and there is not addressing the severity of the problem.

Mr. Anthony Singleton, 42 Cold Soil Road, stated he does not know if the Council Meeting is the appropriate forum to bring up the matter of Deer Management on Pole Farm but he wrote a letter to the Lawrence Patch and Congresswoman Bonnie Watson-Coleman who in turn sent out letters to Lawrence and Hopewell Townships addressing the matter that will take effect January 2013. He advised in principal he is not against any type of deer or wildlife management but the Pole Farm has at least six access points into that area that includes soccer fields and several major roads and he knows that because he has been walking those Trails that the County improved for about 30 years and he has noticed a quantum leap in usage at a fairly high frequency rate all during the day and he does not know if the County or Township handle that matter but he would like for them to intervene because he feels the matter is a public safety issue in which somebody could be injured or killed and suggested that they consider using Rosedale Park which would be a better place to do the Deer Management being it only has two access points.

Mayor Kownacki advised Mr. Singleton that his email with all the information was forwarded to Brian Hughes, County Executive, Senator Shirley Turner and both of the Assembly representatives; and, hopefully, someone will reach out to him regarding the matter. Subsequently, Mr. Krawczun requested that Mr. Singleton leave his information with the Municipal Clerk so he and the Animal Control Officer could meet with him to discuss the matter before he reaches out to the County.

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 Minutes of Regular Meetings of April 3, 2012, April 18, 2012 and May 1, 2012 were approved without correction.

Same was carried on the following roll call vote:

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

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On a motion by Mr. Powers, seconded by Ms. Lewis, the Minutes of Special Meeting of April 30, 2012 were approved without correction.

Same was carried on the following roll call vote:

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

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Introduction of Ordinances

Mayor Kownacki read by title an ordinance entitled, "AN ORDINANCE AMENDING ENTITLED AN ORDINANCE AMENDING, THE CONSOLIDATED LICESNE PERMIT AND FEE CHAPTER OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE – Recreation Fees."

Mr. Krawczun stated that the Ordinance authorizes increases to various recreational program fees and the intent is to reduce the cost of the operation of Recreation Department that is supported by taxation. In addition, Mr. Groeger, Superintendent of Recreation, will take some recommendations and seek additional recommendations on cost saving measures from the Recreation Advisory Committee to help offset the program fees in the department.

Further discussion followed relative to the fee increase being compatible with surrounding towns, recreational fundraising efforts, financial assistance and community scholarship programs to help families in need who would like to participate in the programs.

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

| COUNCIL        | AYE | NAY | PRESENT | ABENT | 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 AMENDING ORDINANCE NO. 2079-11 AMENDING THE CONSOLIDATED LICENSE, PERMIT AND FEE CHAPTER OF THE LAWRENCE TOWNSHIP ADMINSTRATIVE CODE – Zoning Fees”

Mr. Krawczun stated that the Ordinance authorizes the establishment of zoning permit fees for residential and commercial purposes and the new fees are estimated to generate approximately \$20,000 in annual revenue and that the concept of the Ordinance was previously discussed during his budget presentation on the 2013 gap in excess of the 2% cap, as they were looking for alternatives to offset the administrative cost being supported by taxes and proceeded to discuss the Township Engineer’s recommendation as it relates to the proposed fees and the effective date the fees will be instituted.

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

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

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Mayor Kownacki read by title an ordinance entitled, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 6A OF THE ADMINISTRATIVE CODE OF THE TOWNSHIP OF LAWRENCE ESTABLISHING AND IMPLEMENTING FEES FOR EMERGENCY MEDICAL SERVICES.”

Mr. Krawczun stated that the Ordinance amends existing fees and authorizes new fees for Emergency Medical Services and basic life support/fire activities and advised that the transport fee will increase from \$675 to \$785; the mileage fee will increase from \$10.00 to \$15.00 per mile calculated one way; the oxygen charge will increase from \$60.00 to \$70.00 and new fees will be authorized for cervical collars and extrication from motor vehicles. In addition, the ordinance will authorize balance billing for both residents and non-residents. Some discussion followed relative to billing and cost to outsource the service.

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

| COUNCIL        | AYE | NAY | PRESENT | ABENT | ABSTAIN | MOVE | SECOND |
|----------------|-----|-----|---------|-------|---------|------|--------|
| Ms. Lewis      | X   |     |         |       |         |      |        |
| Dr. Maffei     | X   |     |         |       |         | X    |        |
| Mr. Powers     | X   |     |         |       |         |      |        |
| Mr. Puliti     | X   |     |         |       |         |      | X      |
| Mayor Kownacki | 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 ADMINISTRATIVE CODE - Bulk Waste Collection User Fee"

Mr. Krawczun stated that the Ordinance authorizes the establishment of a bulk collection service fee for residential properties that receive curbside collection services as the Ordinance will allow for the governing body to set an annual fee of \$0 to \$55.00. Further discussion took place relative to the fee range, the cost of a Sticker Program being much more costly than the proposed plan and the Council understanding the residents' concerns with regards to being billed for a service they may or may not use as it relates to their decision-making and equitability to all the taxpayers.

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

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

Resolutions

Mr. Krawczun stated that Resolution (7-I), Authorizing an Emergency Appropriation to the 2012 Budget Due to Superstorm Sandy, is an emergency appropriation related to the overtime cost of Superstorm Sandy, particularly, for police salaries due to activities around the storm and advised that the total cost to date is \$145,000 and may approach \$200,000 and that the Administration has already contacted FEMA for reimbursement. They anticipate a base reimbursement of 75-percent of the cost along with some additional monies they will receive for the first 30 days of cleanup in addition to the overtime, which they usually do not receive and proceeded to discuss the storm cleanup being done in-house by the Public Works Department instead of private contractors and the Township only having to award one contract for assistance with tree clearing.

Resolution Nos. 350-12 (7-A) thru 359-12 (7-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						X
Mr. Puliti	X						
Mayor Kownacki	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 Kownacki read by title an ordinance entitled, "ORDINANCE AMENDING ORDINANCE 2050-10 KNOWN AS THE SALARY ORDINANCE OF THE TOWNSHIP OF LAWRENCE UNCLASSIFIED AND/OR EXEMPT, SEASONAL, EMERGENCY (NON-UNION) EMPLOYEES FOR 2010-2013."

Ordinance No. 2138-12

ORDINANCE AMENDING ORDINANCE 2050-10 KNOWN AS THE SALARY ORDINANCE OF THE TOWNSHIP OF LAWRENCE-UNCLASSIFIED AND/OR EXEMPT, SEASONAL, EMERGENCY (NON-UNION) EMPLOYEES FOR 2010-2013

BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, as follows:

Section I. Short Title

This ordinance shall be known and may be recited as "The Salary Ordinance of the Township of Lawrence - Unclassified and/or Exempt, Seasonal, Emergency (non-union) Employees for 2010-2013."

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:

Position of Job Title	Basis	2010	2011	2012	2013
Armed Court Attendant	Hourly	X	22.00	22.59	23.16
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	Federal Minimum Wage up to 15.00	Federal Minimum Wage up to 15.00	Federal Minimum Wage up to 15.00
<u>Public Safety</u> <u>Telecommunications Operator</u>	<u>Per Diem</u>	<u>X</u>	<u>X</u>	<u>180.00</u>	<u>180.00</u>
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:

Length of Service	2010-2013
Beginning in year 8 through 11	\$ 800
Beginning the 12 th year through year 15	1100
Beginning the 16 th year through year 19	1400
Beginning the 20 th year through year 23	1700
Beginning the 24 th year through year 27	2000
Beginning the 28 th and beyond	2300

- B. Longevity pay, as heretofore set forth, shall become effective January 1st or July 1st, 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.

Additions are underlined _____

Ordinance No. 2138-12 was adopted 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					X	
Mayor Kownacki	X						

Manager's Report –

Mr. Krawczun submitted invoice listings for the month of September 2012 in the amount of \$1,032,151.15 and October in the amount of \$1,389,568.52.

Mr. Krawczun reported that he had an opportunity to meet with the Ewing-Lawrence Sewage Authority Executive Director and a member of their Board of Commissioners to receive information about some of their Capital Plans for what could possibly be up to 50 years and indicated a Request for Proposals (RFP) was sent out today seeking engineering design work to be completed on a three phase plan for the plant; Phase I - short-term hydraulic improvements, new ultraviolet disinfectant, new pumping station and a new pulmonary treatment facility; Phase II - the replacement of the mechanical service aerator and a belt filter press replacement and Phase III will be the consideration of a possible expansion of the number of gallons of waste that can be treated per day.

In addition, the Authority will be participating in the New Jersey Infrastructure Environmental Trust where 75-percent of the borrowed money is interest free. They anticipate construction will begin around November 2014 and the first phase will be completed in late 2015 and the debt service will not begin until 2016, which is a benefit because in 2015 the debt service to Mercer County Improvement Authority for the Sludge Facility will cease. So, that is the general overview of what was presented to him at the meeting and at some point in the future, Robert Filler, ELSA Executive Director, will attend a meeting to update the Council.

Mr. Krawczun advised that the RFP for 911 Dispatch Emergency Services was advertised today and the date for the receipt of bids is January 3, 2013 and the bids require a 20 day advertising period and the date was pushed back due to it falling during Christmas week.

Attorney's Report –

Mr. Roskos advised that they are continuing to resolve Tax Appeals as they have had some cases dismissed voluntarily because they convinced the taxpayers that they did not have a strong appeal. They also received a legal opinion from Judge DeAlmedia who dismissed an Appeal that was filed inappropriately so they will continue to pursue a resolution to those matters.

Clerk's Report –

Ms. Norcia advised the Council that she gave them copies of the Boards and Committees vacancies for 2013 and she also placed at their seats an application for a person who wishes to be appointed to one of various committees and asked the Council's desire with regards to making the appointments at the December 18 meeting or at the first or second meeting in January. After some discussion, it was the consensus of the Council to review and make the appointments in January.

Written Communications –

There was no written communication.

Old Business –

Mr. Powers stated he was not present at the meeting in November but he would like to know if the Council would be acting on the matter of adding a second public participation period to Agenda at the December 18 meeting and was advised by Mayor Kownacki that the matter will be up for review and consideration being all members of Council will be present.

New Business –

Ms. Lewis stated she has had a lot of residents ask about donating to the victims of Superstorm Sandy and indicated for those who are interested there are a lot drop off points in the Township including the Lawrence Community Center and Mercer County Library- Lawrence Branch.

Ms. Lewis further advised that HomeFront and Womanspace are hosting their annual Community of Lights campaign on Monday, December 10 where they will be lighting luminaries in order to raise awareness of domestic violence and sexual assault.

Mr. Puliti stated the Christmas Tree Lighting event will take place on Sunday, December 9th at 6:00 p.m. at Town Hall and the Lawrence High Madrigal Singers directed by Mr. James Fillmore will perform some holiday tunes and they will also have some refreshments. So, he hopes everyone can come out to see their special visitors perform.

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

7:49 p.m.

Respectfully submitted by,

Kathleen S. Norcia, Municipal Clerk

Attest:

James S. Kownacki, Mayor