

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

February 7, 2012

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, February 7, 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, February 7, 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, Esq., Municipal Attorney.

Review and Revisions of Agenda

The Municipal Manager advised that the Agenda needs to be revised to include Resolution (8-DD) – Authorizing a Closed Session of Council (Trenton Water Works litigation) and Resolution (8EE) – A Resolution Authorizing the Notice of Availability of Mail-In Ballots, NJSA 19:63-7.

On a motion by Mr. Puliti, seconded by Ms. Lewis, the Agenda was amended to include the above revisions.

Same was carried on the following roll call vote:

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

Public Participation

There was no public participation.

Adoption of Minutes

There were no minutes for adoption.

Introduction of Ordinances

Mayor Kownacki read by title an ordinance entitled, "AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, STATE OF NEW JERSEY – EGI Zone Chapin School."

Mr. Krawczun advised that the Ordinance amends the Lawrence Township Land Use Ordinance to designate Block 7001, Lot 10 to the Educational Government & Institution (EGI) Zone from its current zone of Environmental Protection – 2. He further advised that Chapin School purchased Lot 10, which is adjacent to the current school site, and that the amendment will provide for all school property to be within the same zone and that the matter is subject to the approval of the Planning Board, therefore, the Ordinance will be forwarded to the Board for review then back to the Council for final action.

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						

Resolutions

Resolution Nos. 58-12 (7-A) thru 88-12 (8-EE) 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.

Awarding or Rejecting of Bids

There were no bid awards.

Adoption of Ordinances

There were no ordinances of adoption.

Manager's Report –

A. Department Directors' Budget Discussions

Mr. Krawczun advised that this part of the Agenda will consist of various discussions from Department Directors regarding their 2012 departmental budgets, after which the Council will have an opportunity to ask questions regarding the presentation. He then turned the floor to the following Department Heads.

Municipal Court - Judge Kevin Nerwinski, 2012 Budget Presentation

Judge Nerwinski greeted the Council and thanked them for the opportunity to appear before them to address the Municipal Court's budget, and advised that a copy of his proposed budget has already been submitted to the Council. He then indicated that he was appointed as the Municipal Judge for Lawrence Township in June 2011 and that he is very grateful to the Council for his appointment and for affording him the opportunity to serve in such an important capacity.

Judge Nerwinski reported that the Court has a staff of five full-time employees and that their long-time Court Director, Jean Hunt, retired at the end of January. In addition, they have two Safety Attendants, who are responsible for the safety of the courtroom and advised that the Lawrence Municipal Court is very busy, as they are close to major highways, malls, shopping centers and they have very diverse ethnic demographics. He then proceeded with a brief synopsis of his 2012 Budget Report for Council's review and consideration regarding his Departments' function, staff shortage, request for new office equipment, and his highly qualified staff commitment to providing the best services possible with regards to criminal, domestic and motor vehicle violations offenses for those who visit the court, despite their staff shortage and outdated equipment.

Judge Nerwinski further discussed the decrease in court revenues and the collection rates due to the economy and people being unemployed, but indicated they should see an upward shift in revenues for 2012 due to the collection of fees from the Red-Light Program that was implemented in November 2011. A short question and answer period took place relative to Judge Nerwinski's presentation, after which Mayor Kownacki and the Council congratulated him on his re-appointment for a 3-year term and thanked him for the wonderful job he and his staff do for Lawrence Township.

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**Police Department - Chief Daniel Posluszny, Budget Presentation**

Chief Posluszny distributed copies of his 2012 Budget and Annual Report of the Police Department and advised that the report consists of a ten year snapshot (2001-2011) of the Classification of Offenses/Crime Statistics Report that is required by law and is submitted to New Jersey State Police and the Federal Bureau of Investigations, where the statistics are maintained and published annually. He then proceeded with an overview of the Uniform Crime Report and Call for Service Statistics regarding arsons, assaults, burglaries, larceny-thefts, motor vehicle thefts, rapes, robberies and homicides. He also discussed the staffing levels of the Police Department as it relates to police services, retirements, existing employees and their day-to-day departmental operations, as well as, his 2012 Budget request for Council's consideration.

A short question and answer period took place relative to Chief Posluszny's presentation, after which Mayor Kownacki and the Council all thanked and gave closing remarks regarding him and his staff's diligent service and the great job they do in protecting the community.

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Carol Chamberlain, Health Officer, Budget Presentation:

Ms. Chamberlain greeted the Council and distributed copies of her 2012 Budget and Annual Health Report and advised that she would be providing a general overview of the Health Department's activities, programs and mandated municipal services that are governed by the State Health Department, Department of Environmental Protection and Township Ordinances.

Ms. Chamberlain further advised that the Report is designed to provide the Council with basic knowledge of the various programs and activity levels taking place within the Department and proceeded with an in-depth review relative to her staff and their day-to-day function, health inspections, shared services, inter-local agreements, cooperative purchases, various health screenings and programs, as well as, her 2012 Budget request for Council's consideration.

A short question and answer period took place relative to Ms. Chamberlain's budget presentation, after which Mayor Kownacki and Council thanked Ms. Chamberlain for her presentation and gave their closing remarks relative to the report.

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**Steven Groeger, Superintendent of Recreation, Budget Presentation:**

Mr. Groeger greeted everyone and stated the sole mission of the Recreation Department is to keep everybody happy, after which he distributed copies of his 2012 Budget Report and advised that the Recreation Department is comprised of three separate divisions; the Recreation Division, Office on Aging and Special Events, and their primary function is to provide recreational leisure activities for all the residents of Lawrence Township through those divisions. He then proceeded with an in-depth review of the departmental function, online registration, program activities for boys and girls, camps, safety town program, social and special events programs, health screening, lectures and activity programs for seniors, grants and sponsorships, as well as, expenditures, anticipated and generated revenue that helps to offset the programmatic cost and fees associated with the three divisions.

A short question and answer period took place relative to Mr. Groeger's presentation, after which Mayor Kownacki and Council thanked Mr. Groeger for his presentation and gave their closing remarks relative to the report.

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Gregory Whitehead, Director of Public Works, Budget Presentation:

Mr. Whitehead greeted the Council and advised that he would briefly go through each of the Divisions 2012 budget requests and the types of services they provide to the community. He then proceeded with an overview of his staff, training mandates, departmental duties and initiatives, brush collection, snow removal, capital improvement projects, operational cost associated with the compost facility, outsourcing and privatization of services, expenditures, grants, equipment maintenance and usages and shared services for each of the Divisions, to include various services and projects that were accomplished in 2011 and future cost-saving projects for 2013.

A lengthy question and answer session took place relative to Mr. Whitehead's presentation, after which Mayor Kownacki and Council complimented Mr. Whitehead on the wonderful job he does with a staff of 33 people, especially, during the snow storms and conveyed their appreciation for the outstanding service the Public Works Department provides to the community.

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Mr. Krawczun stated that the Mayor and Council got a chance to hear from each of the Department Directors a report that he is fortunate enough to hear every Thursday during his staff meetings, and he thinks it is important for everyone to recognize that all of what gets done could not happen without the individuals they heard from tonight pushing for it, to include the Municipal Clerk. He advised that he has been working in municipal government for a very long time, which has been a blessing, and he has had the opportunity to see it done in a few different places and he can honestly say that the people that the Council sees before them tonight have the Upmost professionalism, integrity, the highest of ethics and best work ethics that he has experienced in his 30 years of working in government... and his "hat" goes off to them.

Mr. Krawczun advised that he would be giving a presentation of the 2012 budget recommendation for a Tax Levy Cap Referendum, which will include a detailed timeline of required actions. He then distributed copies of the budget materials to the Council and folks in the audience to review. Thereafter, he introduced Peter Kiriakatis, Comptroller, who assisted him in preparing some of the information relative to the 2012 municipal budget and how they should proceed moving forward into 2013 with the new state imposed 2% cap regulation on the municipal tax levy.

Mr. Krawczun stated that he would be discussing the following topics as they relate to the Township's current situation: availability and use of surplus, regeneration of surplus and how it is significant to the present conversation, assessed valuation changes (2007-2012) and changes in assessments by class, adopted revenues, budget appropriation and tax collection rate over the last five years (2007-2011), actions that the Administration has been taking over the last

three to five years to confront the economic situation and the alternatives as it relates to his recommendations. Afterwards, an at length discussion, comment, question and answer period took place relative to Mr. Krawczun's budget presentation, information regarding exempt properties, added assessments, the rise of tax appeals for commercial and residential properties, disbursements of tax appeals, the decrease in the collection rates and ratables, loss of revenues, state aid, surplus and proactive alternatives implemented to help offset the budget deficit, to include a reduction of employees, increase of various user fees, bidding out telephone and utility services and the reduction of capital expenditures.

Mr. Krawczun advised that the items he reviewed were related to the revenue side of the budget and that the question at hand is how do they make up a large amount of the budget revenue without using the 4.8 million dollars in surplus as a source of revenue, knowing that they will be unable to regenerate the money. He then proceeded to discuss some of the alternatives that were previously discussed regarding the gap in the budget, to include a non-binding Resolution that would allow the Township to put a referendum question on the ballot in April asking for a 9-cent municipal tax increase above the 5-cent property tax rate proposed in the 2012 municipal budget; a process that would allow the Township to exceed the state mandated 2% cap on the tax levy without wiping out the available surplus.

Mr. Krawczun stated if the 9-cent increase is approved then the Township will continue to include garbage collection in the municipal budget; but if the referendum is rejected by the voters the Council has the option of creating a solid waste utility that would allow the Township to remove the appropriation for contractual trash services from the municipal budget for pickup and curbside waste for residential properties, after which he proceeded to discuss in detail the solid waste utility startup cost of \$2.8 million which would include staffing and the administrative cost and an annual fee of \$336.00 or \$28.00 a month per household. He advised that the utility fee would not apply to commercial businesses such as the Quaker Bridge Mall being they do not use the Township's trash services and that the function of administering, billing and collecting for the service would remain a municipal operation.

Mr. Krawczun indicated another option is for the Township to drop the garbage collection altogether and let the residents make their own arrangements for garbage pickup, which would cost about \$360.00 per year or \$30.00 a month and proceeded to discuss other towns that have similar arrangements for waste collection services. He advised that the proposed budget does not include any employee layoffs, as they have had a significant drop in employees over the last five years and is presently experiencing a shortage in departmental staff. An at length discussion took place relative to Mr. Krawczun's recommendations regarding curbside collection and the solid waste utility fee, expenditures and outstanding debts and the troubling idea of the surplus being used as a source of

revenue in the 2013 municipal budget, leaving the Township with a \$154,000 surplus for unforeseeable emergencies.

After the discussion, the Council consented to Mr. Krawczun exploring additional options to help reduce the \$2 million gap in the budget and moving forward with the non-binding Resolution authorizing the Notice of Availability of Mail-in-Ballots, which would create adequate time for the Administration to meet statutory requirements regarding notice dates if they choose to proceed with a referendum to exceed the 2% cap on the tax levy. Afterwards, Mr. Krawczun reviewed the tax levy cap referendum timeline of required actions.

Mr. Krawczun reported that Mr. Robert Filler, Executive Director, Ewing-Lawrence Sewerage Authority (ELSA), would be giving a presentation at the next Council Meeting (February 21) on the 2012 budget for ELSA. He further advised that he shared with the Council a resume for the potential appointment of a new Tax Collector, as Alice Fish, the present Tax Collector has advised the Administration that she will be retiring effective March 1, 2012, and indicated if they have any questions regarding his recommendation to please give him a call.

Mr. Krawczun advised the Council that he received an invitation from the Lawrence League of Women Voters to attend their meeting on March 12 to discuss the 2012 Municipal Budget and that he responded back; but he has not received confirmation, as of yet. Afterwards, Councilman Puliti asked the Municipal Clerk to Notice the meeting so that the Council can attend, as well.

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#### **Attorney's Report –**

Mr. Roskos reported that his office has some relatively minor legal matters in the works, to include some settlements. Further, they moved to dismiss a piece of litigation that he hopes the Court will act favorably on before the next Council meeting.

Mr. Roskos stated that he would like to elaborate on the comments made earlier regarding the use of the Township's surplus, and indicated that towns who use up their entire surplus usually wind up in deep, deep, trouble and that Mr. Powers made reference to some of the catastrophic events that could occur if the Township's surplus was wiped out and they had no emergency fund. He proceeded to discuss a municipality in Mercer County who used up their surplus and found their town in a financial tailspin and indicated that Lawrence is very fortunate to have a Township Manager who is trying to be proactive in bringing what could potentially be a big problem around the next curb to the Council's attention. In addition, it was very nice to hear Mr. Krawczun praise his Department Heads and advised how lucky Lawrence is to have a Township Manager who is looking out for everyone's best interest.

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**Clerk's Report –**

There was no Clerk's report.

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**Written Communications –**

- A. Letter from Mercadien, PC – Scope and Timing of 2011 Audit – No Discussion

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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.

9:13 p.m.

Respectfully submitted by,

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Kathleen S. Norcia, Municipal Clerk

Attest:

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James S. Kownacki, Mayor