

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

March 6, 2012

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

The meeting was opened with the Pledge of Allegiance, led by students from Rider University.

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, March 6, 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

Councilman Puliti stated that the Agenda needs to be revised to remove Resolution (7-K) – Authorizing 2012 ANJEC Sustainable Land Use Planning Grant Program and Resolution (7-N) – Authorizing a Closed Session of Council, and include Resolution (7-O) – Authorizing the Transfer of ABC License from Lawrence Grill LLC to Lawrence Associates and Resolution (7-P) – Authorizing a Professional Services Contract for an Attorney for the Planning Board.

On a motion by Mr. Puliti, seconded by Mr. Powers, 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

There was no introduction of ordinances.

Resolutions

The Municipal Manager advised that Resolution (7-H) – Authorizing Municipal Levy Cap Referendum on April 17, 2012 has language in it that includes the Explanatory Statement as it will appear on the ballot, and that the language in the Resolution has preliminary approval but not final approval from the Division of Local Government Services who has the authority to approve the language that appears on the ballot; but cannot prevent a municipality from holding the referendum. He then proceeded to discuss the deadline dates as it relates to the introduction of the budget and the approval process for the referendum.

Resolution Nos. 103-12 (7-A) thru 117-12 (7-P) with the exception of Resolution No. 113-12 (7-K) were approved by 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 | | | | | | |

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

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 – Chapin School"

Ordinance No. 2117-12

AN ORDINANCE AMENDING THE LAND USE ORDINANCE
OF THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER,
STATE OF NEW JERSEY

WHEREAS, the Lawrence Township Land Use Ordinance refers to the official zoning map in §301, said map being part of the Land Use Ordinance; and

WHEREAS, the Educational Government & Institution (EGI) Zone designation is intended for educational uses in existence; and

WHEREAS, Block 7001, Lot 10, currently zoned EP-2 is owned by the Chapin School and immediately adjacent to Block 7001, Lot 5.01.1, currently zoned EGI and also owned by Chapin School; and

NOW, THEREFORE, BE IT ORDAINED by the Township of Lawrence, County of Mercer, State of New Jersey, that the Land Use Ordinance is hereby amended as follows:

Section 1.

The Zoning Map is amended to designate Block 7001, Lot 10 as EGI, which designation is consistent with the present use of the property owned by Chapin School.

Section 2.

§503 of the Land Use Ordinance, entitled "Zoning Map, Lawrence Township, Mercer County, New Jersey", dated December 18, 1997, with the latest revision being effective April 11, 2005 is hereby adopted and made part of this ordinance.

Section 3. – 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 or concern the provisions contained herein.

Section 4. Severability

If any section, paragraph, sentence, clause or phrase in 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.

The Ordinance 2117-12 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 | | | | | X | |
| Mr. Puliti | X | | | | | | |
| Mayor Kownacki | X | | | | | | |

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Mayor Kownacki read by title an ordinance entitled, “AN ORDINANCE APPOINTING SUSAN E. McCLOSKEY TAX COLLECTOR FOR THE TOWNSHIP OF LAWRENCE”

Ordinance No. 2118-12

AN ORDINANCE APPOINTING SUSAN E. McCLOSKEY AS  
TAX COLLECTOR FOR THE TOWNSHIP OF LAWRENCE

BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that Susan E. McCloskey be appointed as Tax Collector effective March 1, 2012.

BE IT FURTHER ORDAINED that Susan E. McCloskey’s term of office will begin on March 1, 2012 and end December 31, 2016, as provided by NJSA 40A:9-142.

The Ordinance 2118-12 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   |     |         |        |         | X    |        |
| Mr. Puliti     | X   |     |         |        |         |      |        |
| Mayor Kownacki | X   |     |         |        |         |      |        |

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**Manager's Report –**

Mr. Krawczun stated on February 22 he had an opportunity to meet with representatives of Parsons Brinckerhoff Engineers who were hired by NJDOT for the Business Route 1 Project, as well as, the DOT representative who is heading up the project. He indicated that the project that has been a long process is a conversion of the current conditions, from the Brunswick Circle north to Lake Drive, into a Boulevard.

Mr. Krawczun advised that they have an updated list for the project that is scheduled to begin this year (2012) and that all of the right-of-way plans will be finalized. He indicated that there is a small portion of right-of-way that they need to acquire on Brunswick Avenue due to the installation of a round-a-bout and that the final design plans are scheduled to be completed by January 2013, as the plans will be reviewed then advertised for bid by December 2013 with a March 2014 start date for construction, and they anticipate that the construction will take approximately one year.

Mr. Krawczun stated that he distributed copies of the proposed Capital Improvement Plan for 2012 to the Council for their discretion and that the list consists of each Department's submission of what is known as Priority Packages to be included in the Township's budget. He indicated that the packages primarily consist of capital items that are necessary for their departmental operations, which include expenditures on equipment or other acquisitions that have a useful life of 5 years they can become bondable under the Local Bond Law; but indicated they are not just limited to capital improvements.

Mr. Krawczun indicated that the list of the 2012 Capital/Priority Package Budget Requests includes the following information: requestors department, quantity, a brief project/equipment description, the projected cost and whether or not after the initial review it will be recommended to be included in the Capital Improvement Plan. He then proceeded to discuss at length the items included in the capital improvement plan, operating budget, the amount of debt that was paid down and the administrative process as it relates to the introduction and adoption of the 2012 Municipal Budget. An at length question and comment period took place relative to the projects and their projected cost, capital expenses, debt services and the reduction of debt, shared services and the Manager's recommendations.

Mr. Krawczun stated that the Administration assembled some information for Council's review to identify what they would need to do to change the rate for sewer user fees in order to pay the bill that the Township receives from ELSA for the treatment and flow of sewerage that goes into the plant.

Mr. Krawczun proceeded with an in-depth review of the 2011 Sewer Collections and 2012 Projected Usage & Revenue Calculation, which included a breakdown of the 2011 Collections, Delinquent Collections, Sewer Revenue for 2011, Annual Service Fee, Metered/Well Usage and Unmetered, Expected 2011 Sewer Revenue at 100% Collection Rate (\$5.3 million), Collection Percentage for 2011, Metered Usage in Cubic Feet, Well Usage and Unmetered, Projected Usage in Cubic Feet for 2012, Demand Charge, Metered Usage Consumption Charge, Well Usage and Unmetered Consumption Charge, the Expected 2012 Sewer Revenue at 100% Collection Rate (\$6 million), Adjustments for Delinquent Accounts Using 2012 Collection Percentage (93.04%), ELSA's Bill for 2011 & 2012 and the Increase/Increase Percentage, Projected Revenue for 2012/2011 Collections and Differences, Current Demand/Usage Charges and the Proposed Demand Charge.

After the report, Mr. Krawczun advised that in order to collect the additional \$675,994, which is what the Township is billed by ELSA, the rate would have to go from 3.94 per 100 cubic feet of usage to 4.54 per 100 cubic feet of usage for a \$0.60 increase which is really a 15.2% increase based on the fact that the Township does not collect 100% of the billings; so, the average user at 14,200 cubic feet would have to pay an additional \$85.00 for sewer usage. He advised that he did speak with the Certified Finance Officer in Ewing Township earlier today and was advised that their demand charge is \$85.00 and their rate is \$3.85 per 100 cubic feet of usage, which he indicated is pretty close to Lawrence Township.

An at length question, answer and comment period took place relative to user fees, uncollected revenues, demand charges, flow rates and the problematic impact of an accelerated tax sale to help reduce the proposed rate increase, after which Mr. Krawczun expressed the need to move forward with and Ordinance to increase the rates prior to the new sewer bills being printed and advised unless he hears something to the contrary he will move forward with preparing the Ordinance for the March 20 meeting. There were no objections from the Council.

Mr. Krawczun stated at the last meeting there was a Resolution adopted that talked about the Township's loss of Energy Tax Receipts and CMPTRA fund from the State of New Jersey. He then proceeded with a detailed review of State Aid Impact Calculation Report (2001-2011) and Comparison of State Aid Receipts Report (1996-2011) that was distributed to the Council for review.

Mr. Krawczun advised during the period of time covered in the report the Township lost close to \$11 million in state aid between those two sources of revenue, and the reason they are so significant is because in the budget document those sources of revenues are posted as revenues without offsetting appropriations, therefore, they only offset the amount that is necessary for taxation.

Some discussion followed relative to the lack of state aid and the impact it has had on the Township's budget over the years, and the restoration of the Energy Tax Receipts and the CMPTRA Aid eliminating the need for a referendum.

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**Attorney's Report –**

Mr. Roskos reported that there are two matters in litigation that are ongoing; one which they filed a Motion to Dismiss and the other he hopes is dismissed from litigation by the end of the month. He stated in addition they have the Simone litigation that is ongoing and that the Briefs have been submitted to the Board; but arguments will not be heard by the Courts until April 20.

Mr. Roskos stated a great aspect of that case is that the tenant of the property, the Sunrise facility, moved to intervene in the act and that the Motion was granted; however, their claims, which is essentially discrimination, are being deferred until after the action in lieu of prerogative writ, of the case, is decided and he is unsure if the claims can survive a judicial determination on the "prerogative writ" aspect of the case; but at the same time the case may be taken up on Appeal. Therefore, he does not see a quick resolution to the matter.

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**Clerk's Report –**

There was no Clerk's report.

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**Written Communications –**

- A. Letter from Anthony Roberts, acting Business Administrator, City of Trenton, to the DEP Commissioner and President of the BPU Regarding Trenton Water Quality Conditions

Mr. Krawczun stated that the letter is self-explanatory, but as a little bit of background the Mayors from the four Townships - Ewing, Hamilton, Hopewell and Lawrence - had signed a letter asking for the BPU and DEP intervention in the operations of the Trenton Water Utility and advised that Mayor Kownacki actually signed the letter; but the process was started last fall when Councilman Puliti was the Mayor.

Mr. Krawczun advised that the City of Trenton responded to both the BPU and DEP with their explanation as to why the event that the Townships raised regarding the precautionary boil water advisory was not detrimental to their operations and that the event occurred from a storm related emergency situation. He advised that this issue is something that the towns will continue to pursue and they did verbally inform DEP that they are still conducting a review of the situation.

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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.

7:21 p.m.

Respectfully submitted by,

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Kathleen S. Norcia, Municipal Clerk

Attest:

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James S. Kownacki, Mayor