

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

March 19, 2013

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, March 19, 2013 at 6:30 P.M.

The meeting was opened with the Pledge of Allegiance, led by the Cub Scouts.

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 19, 2013 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 Brame, Lewis, Maffei, Powers and Mayor Kownacki.  
Absent: None.

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

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Special Proclamations, Recognitions and Presentations

A. Cub Scout Honorees for Clean Up at Veterans’ Park

Mayor Kownacki presented Certificate of Appreciation and Lawrence Township key rings to the following Cub Scouts in honor of their participation in the clean-up of Veterans’ Park on October 27, 2012.

Liam Collins  
Colby Davis  
Noah Lehrfeld  
Zachary Mlodzinski  
James Sannella

Adam DallePazze  
Michael Kang-Spano  
Sam Lovvoll  
David John Porsche  
Jonathan & Nicholas Tyliczka

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Public Participation (5-minute limitation per speaker)

Mr. Joseph Mislán, 4 Sunset Road, discussed bookkeeping best described as “Money In-Money Out” as it relates to balancing money for businesses, municipalities and personal finances and explained when the money out is greater than the money in, then the books must be balanced, and in municipalities it is balanced by increasing taxes, separating services and charging separately as a secondary tax, borrowing money that is paid back with interest, or by just waiting and doing nothing in hopes that the situation will resolve itself which is a bad policy. It fails to meet the taxpayers needs and blinds the Council’s ability to look at the financial data in a meaningful manner. He further voiced his feelings with regards to the Council ignoring the 2008 financial crisis, lack of leadership and appropriate action as it relates to them taking better control of Lawrence Township finances and proceeded to discuss Alan S. Blinder, a professor at Princeton University, who published a book entitled, *After the Music Stops* that focuses on the financial crisis, the response and the work ahead. Mr. Mislán added that he supports the Township using Checkbook NYC as a procedure for reporting accumulated financial data that is presented in a bar graph or pie chart format to provide sufficient financial data to the public.

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

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Review and Revisions of Agenda

The Municipal Manager advised that the Agenda needs to be amended to include Ordinance 9-C, Ordinance Amending the Land Use Ordinance of the Township of Lawrence to Revise Sections 110 and 420.

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

Same was carried on the following roll call vote:

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

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Adoption of Minutes

On a motion by Ms. Lewis, seconded by Mayor Kownacki, the Minutes of Special Meeting of **May 17, 2012** were approved without correction.

Same was carried on the following roll call vote:

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

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On a motion by Mr. Powers, seconded by Ms. Lewis, the Minutes of Regular Meeting of **August 21, 2012** were approved without correction.

Same was carried on the following roll call vote:

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

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Awarding and/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 Mr. Powers, seconded by Dr. Maffei, the following resolution was presented for adoption:

Resolution No. 130-13

WHEREAS, on Thursday, February 28, 2013 bids were received and publicly opened for the project known as the **2012 Road Improvement Program – Bunker Hill road**; and

WHEREAS, thirteen (13) bids were received and reviewed by the appropriate Township Officials; and

WHEREAS, the lowest responsible bidder was Arawak Paving Company who submitted a bid in the amount of \$187,300.00; and

WHEREAS, in accordance with N.J.A.C. 5:50-14, a Certificate of Availability of Funds has been provided and the account to be charged is C-04-55-267-231; 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 Arawak Paving Co., Inc., 7503 Weymouth Road, Hammonton NJ 08037 in the amount of \$187,300.00; and

NOW, BE IT FURTHER RESOLVED, this contract is awarded pursuant to a fair and open process and is subject to New Jersey Department of Transportation approval.

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 Brame, Lewis, Maffei, Powers and Mayor Kownacki.  
 Nays: None.

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Introduction of Ordinances

Mayor Kownacki read by title an ordinance entitled, "ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF LAWRENCE TO REPEAL SECTION 412A (PVD-3) AND AMEND THE ZONING MAP"

Mr. Krawczun stated that the Ordinance amends the Land Use Ordinance to repeal the designation of the Planned Village Development 3 (PVD III) District and apply the Highway Commercial district use on Quakerbridge Road where it intersects with Lawrence Station Road. And, because the designation is the only PVD III District in Lawrence Township and is no longer needed it is his recommendation that the designation be removed from the Land Use Ordinance.

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

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

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Mayor Kownacki read by title an ordinance entitled, “AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER”

Mr. Krawczun stated within the Local Budget Law there is a Local “CAP” Law which limits certain items of appropriation in the municipal budget to increase no more than 2.5% or the Cost of Living Adjustment or whichever is less. The Governing Body, under the same law, is authorized to adopt a “CAP Bank” Ordinance which allows an increase not to exceed 3.5% over the previous year appropriations and allows any additional amount to be banked and used for the current budget year or one of the two succeeding budget years. He then proceeded with a review of the Township’s current “CAP Bank” budget and the authorization that would create a new “bank” of \$1,010,854.89 and indicated because the 2011 bank was not utilized it will cease to exist after the adoption of the budget and the banks from 2012 & 2013 will remain.

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

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

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Mayor Kownacki read by title an ordinance entitled, “AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF LAWRENCE TO REVISE SECTIONS 110 AND 420”

Mr. Krawczun stated that the amendments to the Land Use Ordinance will include a number of changes for consideration and that over the last several years in the Zoning Board’s Annual Report there has been recommendations to address some of the matters along with what work has transpired before the two Boards and any recommendations they may have for future changes in the Land Use Law at the local level and proceeded to review the following proposals for Council’s consideration: multiple buildings and uses will be permitted in accordance with the zoning in place on a single lot except for most residential uses; a definition of a pad site has been added; the use of a convenience store is modified to remove the size limitation of 4,000 sf; the Highway Commercial District is modified to allow for shopping centers under the permitted use category; accessory uses and structures have been modified to include canopies for service stations and passenger drop off; outdoor seating standards are clarified; the service station standard has been modified to allow combined

service station and other uses if the lot is increased in size to one and one-half acres; a new requirement has been added that requires the main building in a shopping center to be built and occupied before a pad site is built and occupied and the separation requirements from a service station have been removed. Further, the changes are a result of market conditions and what the Township is now seeing in development requests or inquires, as the Land Use Ordinance should be a living document in that it adapts to changing market conditions and development considerations so that is what some of the proposals are. A brief discussion followed relative to some of the proposed amendments.

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

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

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#### Adoption of Ordinances

There was no adoption of ordinances.

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#### Manager's Report –

Mr. Krawczun submitted invoice listings for the month of March 2013 in the amount of \$1,111,283.33.

Mr. Krawczun stated he has nothing specific to report this evening; but inquired as to whether or not there were any questions on the Resolutions regarding the budget, and advised before the formal vote on the Introduction of the Budget he has prepared some information from January to the present date that he will be reviewing for the Council.

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#### Attorney's Report –

Mr. Roskos stated that he has a few items he would like to discuss in Executive Session and he has some good news to report in one of the matters; but he would like to do it in a closed session since it is ongoing litigation.

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**Clerk's Report –**

Ms. Norcia stated that she placed before the Council resumes or applications for the position open on the Senior Advisory Committee and asked the Council's wishes with respect to how they would like to proceed; rather it be an interview process or to make the appointment based on the applications. Mayor Kownacki asked Ms. Norcia if the matter could be settled at the April 2<sup>nd</sup> meeting. She responded "yes".

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**Old Business –**

There was no old business.

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**New Business –**

Mr. Powers stated that he does not know if everyone has seen the bulletin issued by the League of Municipalities regarding an update on the Early Voting Bill, which would require early voting in most elections, passed in the full Senate and the Assembly version is going to a vote and indicated he is troubled by the Bill because he thinks the League articulated very clearly that Vote By Mail has always been an option for folks who would like to vote early in New Jersey and by having this process changed it creates a burden of having various polling locations throughout the County including the municipal building, which is a disruption to the Planning and Zoning Board meetings, and some of the other polling locations – such as Project Freedom when they have to house the voting machines and be open for elections, and advised that he has a sample Resolution prepared by the League in opposition of the Bill and asked that the Council take a look at the Resolution of Support for possible approval at the next meeting.

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**Public Participation (3-minute limitation per speaker) –**

There was no public participation.

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**Resolutions**

Resolution Nos. 120-13 (17-A) thru 131-13 (17-N) with the exception of (17-E) were approved by the following roll call vote:

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

Cited Resolutions are spread in their entirety in the Resolution Books of the Township of Lawrence.

Resolution No. 120-13 (17-E) was approved by the following roll call vote:

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

Cited Resolution is spread in its entirety in the Resolution Books of the Township of Lawrence.

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**Resolution Authorizing the Introduction of the 2013 Municipal Budget**

Mr. Krawczun stated that he provided the Council with a summary of changes between the 2013 Recommended Budget that was distributed to the Council in January and the Introduction of the 2013 Budget they have before them that is being considered for introduction by their formal action, and indicated that the document shows what the differences are between the changes of revenues and appropriations that he would be reviewing for them with reasons and/or explanations regarding some the changes. After some discussion relative to Mr. Krawczun’s review of the changes to the budget the Council thanked Mr. Krawczun and the Department Directors for their preparation of the 2013 budget and finding creative solutions to do more with less and keeping the Township below the 2% cap. Thereafter, Mr. Krawczun advised that April 16<sup>th</sup> is the Public Hearing on the budget.

The Introduction of the 2013 Municipal Budget at the Municipal Manager’s recommended rate increase of .94 cents was approved by the following roll call vote:

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

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

### Councilmember Brame's report:

- Advised that he had the opportunity to attend the Recreation Advisory Committee meeting of March 7<sup>th</sup> and it was a very organized and well-presented meeting. At that meeting the Memorial Day Parade was discussed, the fireworks that are a perennial part of their planning was discussed, revenue issues were discussed in terms of new programs and trips and sponsorships/scholarships were also discussed. Also programs specific to the summer park camp, art and theatre programs, sports camp, travel camps, safety town and other activities including field hockey, swim lessons, tennis instruction, team basketball, track and wrestling were all discussed, all in an atmosphere of having again to work with less and with creative ways of findings methods by which the programs could continue. So, he found it to be an enthusiastic meeting and he is happy to report that Mr. Groeger and the Committee have made great progress.
- Stated that he was also in attendance at a meeting held on March 14<sup>th</sup> with the Environmental Resources and Sustainability Advisory Committee and while there was no quorum present; nevertheless, the organization of the committee continued and a decision or an option for training of new members was offered. A polling was taken of those new members and he is happy to report that the majority of those member agreed to participate in an April 27<sup>th</sup> training session that will occur. At that meeting they were able to acquire those services at gratis and other municipalities will also participate in that process of dealing with such issues that have become common place here in the Township. The next meeting will be scheduled as regularly held for next month and hopefully a quorum will be present and official actions will be taken.

### Councilmember Lewis' report:

- Advised that the Growth & Redevelopment Committee had a meeting and they had long discussions about how they can engage in more active communication with businesses and a number of ideas were discussed; but, the lack of funding was the inherit problem in some of those ideas, so they discussed ways to think outside the box and she thinks the members left the meeting with more ideas, thoughts and conversations than what they started with; so, she thinks there will be some new activities within the next few months.

Councilmember Maffei's report:

- Advised that the Senior Executive Committee is down one applicant and they have five people that are interested and they would like to move on the matter as soon as possible.

Councilmember Powers' report:

- Advised that the Planning Board met yesterday and Britton Industries on Bakers Basin Road, came before the Board with an idea to upgrade their parking lot and actually have a display area for landscapers on a rotating basis on the front portion of their facility and that plan was approved by the Planning Board.
- Stated that the Human Relations Committee is moving forward with Diversity Day which is scheduled for Sunday, May 5 from 12 Noon to 4:00 p.m. at the Lawrence High School Cafeteria. Further, a number of the Council was in attendance at the Senior Center for the seniors' Saint Patrick's Day Dinner and they marveled at what good dancers they are and the really wonderful time they have at that facility.

Mayor Kownacki's report:

- Stated that the Council will review the names submitted to them by the Municipal Clerk for the vacancy on the Senior Advisory Committee to see if they can just make an appointment or if they need to schedule interviews for the position.
- Advised the Public Safety Committee met for the first time this year and they are moving forward with some of their concerns. Further, the Affordable Housing Board will meet next Thursday, which he will not be able to attend due to a conflict with another meeting, and the Municipal Alliance on Drug & Alcohol will also meet next week and advised that he really has not been able to attend those meetings due to a conflict of scheduling.

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**Written Communications –**

There was no written communication.

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

7:18 p.m.

Respectfully submitted by,

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Kathleen S. Norcia, Municipal Clerk

Attest:

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James S. Kownacki, Mayor