

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

January 23, 2014

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Thursday, January 23, 2014 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 Lewis read the following statement of proper notice:

STATEMENT OF PROPER NOTICE: “Adequate notice of this meeting of the Lawrence Township Council being held on Thursday, January 23, 2014, has been provided through the notification to The Trentonian, The Times and The Lawrence Ledger on Tuesday, January 21, 2014, of the emergency cancellation, due to the snow storm, of the regularly-scheduled meeting of January 21, 2014 and setting of the alternate meeting date.”

The roll was then called as follows:

Present: Councilmembers Brame, Maffei, Powers and Mayor Lewis.
Absent: Councilman Kownacki.

Also, in attendance was David Roskos, Municipal Attorney.

Special Proclamations, Recognitions and Presentations

Acting Police Chief Ubry provided a brief background history for Joseph J. Amodio – Promotion to Lieutenant and James C. Steimle – Police Officer. Mayor Lewis then administered the Oaths of Office and congratulated the officers on their promotion and indicated how wonderful it is to swear in a new recruit and instill new blood within the police department despite past problems. Subsequently, Acting Chief Ubry acknowledged and thanked former Chief of Police, Daniel Posluszny, who was present for his 28 years of service and leadership of the police department.

Public Participation (5-minute limitation per speaker)

Mr. Joseph Mislán, 4 Sunset Road, stated he has been a resident of the Township since 1970 and his comments are about the Lawrence Township form of government chosen from the Faulkner Act, which is also called the "Optional Municipal Charter Law" and proceeded to discuss in detail his opinion about the Administration operating under a Council/Manager form of government and the town over the last 50+ years developing into a strong Business Manager form and a weak Council due to their inability to control finances, particularly, during the time of severe economic stress that occurred after 2008 and the Administration's inability to keep up with technological changes, changes in the business world and failure to show leadership in disclosing financial statements, consolidating operations and making the best of money that is spent.

Mr. Mislán suggested that the Financial Statement to the State be subcontracted to other organizations such as H&R Block who is well equipped and prepared to do the statements; thereby, eliminating the Comptroller and reducing the responsibility of the Municipal Manager. They should also hire a Purchasing Agent to provide for the purchasing of services and products much like most corporations have in their organizations and change the Lawrence form of government to a Mayor/Council form as specified by the Faulkner Act being it is not too late to change course.

Mr. Charles Combs, 741 President Avenue, stated he has a Health/Code issue with the property located across the street from him, 746 President Avenue, which is an Allied Group Home for the disabled and indicated back in June he was sitting on his front porch when he saw Carnevale Disposal Company put a dumpster in the driveway of the property and he just figured they were doing some renovations on the property and needed a dumpster until he started to see maintenance and pickup trucks dumping stuff off on a regular basis and every time the dumpster would fill up they would bring another one until they reached their fourth one on October 29, which is currently filled, and he contacted the Health Department to investigate the matter.

Mr. Combs indicated that the Health Inspector came out and investigated the complaint and at the time there were no mattresses in the dumpster; however, she did discover items were being disposed of in the dumpster from other properties that were being renovated and suggested that he contact the Division of Code Enforcement which he did on November 26 and was told by someone that they would look into the matter but they never did. So, he personally came up to the Town Hall and inquired about how long a dumpster can remain in the driveway of a residential property and was informed only a few days being the property was not commercial. Thereafter, he shared with the Council pictures of items that were being dumped at the location over the last several months and asked for their assistance in resolving the problem.

Mayor Lewis asked Mr. Combs to leave his name and contact information with the Clerk and someone will get back to him.

Review and Revisions of Agenda

The Municipal Clerk requested that the Agenda be amended to delete 17-BB – Authorizing a Closed Session of Council Immediately Following the Regular Meeting and adding (17-CC) –, Authorizing Budget Transfers Between the 2013 Appropriations and (17DD) – Authorizing Transfer of Unexpended 2013 Snow Removal Appropriation to the Snow Removal Trust Account.

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

Same was carried on the following roll call vote:

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

Adoption of Minutes

On a motion by Mr. Brame, seconded by Dr. Maffei, the Minutes of Regular Meeting of **May 7, 2013** were approved without correction.

Same was carried on the following roll call vote:

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

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On a motion by Mr. Powers, seconded by Mr. Brame, the Minutes of Regular Meeting of **May 17, 2013** were approved without correction.

Same was carried on the following roll call vote:

Ayes: Councilmembers Brame, Maffei, Powers and Mayor Kownacki.  
Nay: None.  
Absent: Councilmember Kownacki.

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### Awarding or Rejecting of Bids

Mayor Lewis asked for comments from the public. There being none, Mayor Lewis 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. 56 -14

**WHEREAS**, on December 10, 2013, bids were received for Bid No. 13-17, New 2013 Wheel Loader Backhoe; and

**WHEREAS**, three (3) bids were received and reviewed by the Township Manager and the Director of Public Works and the lowest responsible bidder is Harter Equipment, Inc., 615 State Route 33, Millstone Township, NJ 08535 with a total bid of \$116,495.00; and

**WHEREAS**, in accordance with N.J.A.C. 5:30-14, a Certificate of Availability of Funds has been provided and the accounts to be charged are C-04-55-371-287 (Purchase of PW Equipment – Backhoe w/claw) and C-04-55-284-281 (Purchase of PW Equipment – Small Wheel Loader w/claw).

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that the Township is hereby authorized to award Bid No. 13-17, New 2013 Wheel Loader Backhoe to Harter Equipment, Inc. in the amount of \$116,495.

Same was carried on the following roll call vote:

Ayes: Councilmembers Brame, Maffei, Powers and Mayor Lewis.

Nays: None.

Absent: Councilman Kownacki.

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### Introduction of Ordinances

Mayor Lewis read by title an ordinance entitled, “AN ORDINANCE AUTHORIZING AN AMENDMENT TO A CERTAIN RIGHT-OF-WAY LOCATED ON MERCER MALL PROPERTY AND CONNECTING TO MORRELL ROAD IN THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, STATE OF NEW JERSEY.”

Mayor Lewis stated with regards to this Ordinance the emergency access between Yorkshire Village and U.S. 1 runs across Mercer Mall property. In September 1980 Mercer Mall LP granted an easement across the property for this purpose. The intent of this easement was to traverse through the paved portions of the Mercer Mall property; however, the current easement appears to conflict with existing parking and landscaped areas. The proposed ordinance would eliminate the existing easement, granted back in 1980, and replace it with a blanket easement across paved portions of the Mercer Mall property. Approval of this Ordinance would be consistent with the recent Planning Board approval in 2013 for the expansion of the Mall and would provide appropriate emergency access through the Mercer Mall property.

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

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

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Mayor Lewis read by title an ordinance entitled, "AN ORDINANCE TO VACATE, RELEASE AND EXTINGUISH ANY AND ALL DEDICATION OF PUBLIC RIGHTS IN OR TO CERTAIN PORTIONS OF BAYLESS DRIVE BETWEEN MILLERICK AVENUE AND PILLA AVENUE IN THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, STATE OF NEW JERSEY."

Mayor Lewis stated that the Township received a request to vacate the paper street portion of Bayless Drive (between Millerick and Pilla Avenue). Upon inspection and review it was determined that this portion of Bayless Drive was not needed for any Township purpose, and vacation of this land would release the Township from any obligation to maintain the property and provide for increased yard area on existing residential properties.

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

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

Adoption of Ordinances

Mayor Lewis read by title an ordinance entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 2054-10 PROVIDING CERTAIN JOB CLASSIFICATION AND PROVIDING COMPENSATION FOR THE MUNICIPAL EMPLOYEES OF THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, STATE OF NEW JERSEY – Salary – Police Chief - 2014."

Ordinance No. 2168–14

AN ORDINANCE AMENDING ORDINANCE NO. 2054-10 PROVIDING CERTAIN JOB CLASSIFICATIONS AND PROVIDING COMPENSATION FOR THE MUNICIPAL EMPLOYEES OF THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, STATE OF NEW JERSEY

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 – Chief of Police and for 2014."

Section II. Salaried Employees

The following is the salary range for the Chief of Police for 2014.

Chief of Police	\$146,245
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Section VIII. 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 VIX. 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 X. 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.

Ordinance 2168-14 was adopted on the following roll call vote:

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

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Mayor Lewis read by title an ordinance entitled, "BOND ORDINANCE AMENDING BOND ORDINANCE 2095-11 BY THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, STATE OF NEW JERSEY, IN ORDER TO REVISE THE DESCRIPTION OF THE IMPROVEMENTS HEREIN."

Ordinance No. 2169 -14

BOND ORDINANCE AMENDING BOND ORDINANCE 2095-11  
 BY THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER,  
 STATE OF NEW JERSEY, IN ORDER TO REVISE THE  
 DESCRIPTION OF THE IMPROVEMENT HEREIN

BE IT ORDAINED, by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1:

Section 3 of Bond Ordinance 2095-11, finally adopted May 17, 2011, be and is hereby amended to add the following purposes:

Purchase of various public works equipment consisting of: "...Sport Utility Vehicle (SUV)..."

Section 2:

The capital budget of the Township of Lawrence is hereby amended to conform with the provisions of this ordinance to the extent of inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of Local Government Services is on file with the Clerk and is available there for inspection.

Section 3:

This amending bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Ordinance 2169-14 was adopted on the following roll call vote:

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

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Mayor Kownacki read by title an ordinance entitled, "BOND ORDINANCE AMENDING BOND ORDINANCE 2052-10 BY THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, STATE OF NEW JERSEY, IN ORDER TO REVISE THE DESCRIPTION OF THE IMPROVEMENTS HEREIN."

Ordinance No. 2170-14

BOND ORDINANCE AMENDING BOND ORDINANCE 2052-10
BY THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER,
STATE OF NEW JERSEY, IN ORDER TO REVISE THE
DESCRIPTION OF THE IMPROVEMENT HEREIN

BE IT ORDAINED, by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1:

Section 3 of Bond Ordinance 2052-10, finally adopted May 18, 2010, amended by Ordinance 2086-11, finally adopted March 15, 2011, amended by Ordinance 2091-11, finally adopted May 3, 2011, be and is hereby amended to add the following purposes:

Purchase of various public works equipment consisting of: "...Sport Utility Vehicle (SUV)..."

Section 2:

The capital budget of the Township of Lawrence is hereby amended to conform with the provisions of this ordinance to the extent of inconsistency herewith. The resolution in the form promulgated by the Local Finance Board

showing full detail of the amended capital budget and capital program as approved by the Director of Local Government Services is on file with the Clerk and is available there for inspection.

Section 3:

This amending bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Ordinance 2170-14 was adopted on the following roll call vote:

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

Manager's Report –

Mr. Krawczun submitted invoice listings for the month of January 2014 in the amount of \$1,125,597.62.

There was no Manager's report.

Attorney's Report –

There was no Attorney's report.

Clerk's Report –

There was no Clerk's report.

Old Business –

There was no old business.

New Business –

There was no new business.

Public Participation (3-minute limitation per speaker) –

There was no public participation.

Resolutions

Resolution Nos. 36-14 (17-A) thru 65-14 (17-DD) were approved with the exception of Resolution 43-14 (17-H) and Resolution 56-14 (Bid Award) by the following roll call vote:

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

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

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Resolution No. 56-14 by the following roll call vote:

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

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

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**Council Initiatives/Liaison Reports –**

There was no Liaison report.

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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.

7:02 p.m.

Respectfully submitted by,

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Kathleen S. Norcia, Municipal Clerk

Attest:

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Cathleen M. Lewis, Mayor