

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

May 6, 2014

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, May 6, 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 Tuesday, May 6, 2014, 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, Maffei, Powers and Mayor Lewis.
Absent: Councilman Kownacki.

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

Special Proclamations, Recognitions and Presentations

There were no proclamations or presentations.

Public Hearing and Adoption of the 2014 Municipal Budget

- A. Authorizing the Confirmation of Certification of Approved 2014 Budget
- B. Reading of the 2014 Municipal Budget by Title Only
- C. Adoption of the 2014 Municipal Budget

Mr. Krawczun requested that the Resolutions (A) & (B) be adopted prior to the adoption of the 2014 Municipal Budget and that Resolution (A) is a certification by the Township Council that the approved 2014 Budget was self-examined per the original Resolution authorizing the Chief Financial Officer to conduct the self-evaluation and that the evaluation is complete and Resolution (B), the Local Public Budget Law provides that once the budget is introduced, advertised and made available to the public in a public library, which it is as of this evening, the budget can be read by Title Only if there is an approved Resolution authorizing the budget to read by Title Only otherwise it would have to be read page by page.

Resolution Nos. 151-15 (A) and 152-14 (B) were 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						

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Mr. Krawczun advised that the 2014 Municipal Budget has much improved over the prior two fiscal years and he will be highlighting some of the items from his budget message; but, most importantly, residents will see that the Township's surplus and items in the budget have improved by the following: the amount of surplus as revenue has increased by \$100,000; the remaining balance of surplus after use of surplus as revenue in the budget has almost doubled from \$839,000 to \$1.6 million; there is a reserve for tax appeals of \$883,000 after the cash payment of \$1.1 million last year; outstanding debt continues to decline in the amount of \$4.1 million after new authorizations of debt; there is no workforce reductions in the 2014 budget; the number of police officers will remain the same and they are awaiting the certification list from the Civil Service Commission for eligible candidates so they can begin the hiring practice to replace officers who have retired or pending retirement; the amount to be raised by taxation has increased 2.7 percent and the budget for 2014 has increased by \$170,000 over last year's budget, and of that \$170,000 increase \$131,000 is for the reserve of uncollected taxes leaving a difference of about \$38,000 plus an increase in operating cost and the 2014 Municipal Tax Rate will be \$.53 cents per \$100 of assessed value. He indicated if there are any questions he would be happy to answer them. A general discussion ensued relative to the budget and the Council praised Mr. Krawczun, his staff and the departments for the wonderful job they have done in cutting cost and keeping the budget down.

Public Participation

Ms. Gigi Hsu, 37 Woodlane Road, stated she is an eight year resident and she has never attended a Council meeting before but she wanted to thank the Township Council for the terrific job they have done with the budget in terms of cutbacks and the financial system that has greatly improved; but, she was wondering if the Council could do a little more given the depressed housing market in Lawrence Township. Because, according to the latest assessment her house is 15-percent below what she purchased it for, 20-percent if she added an improvement and 26-percent if she sold her house today, and the 20-percent she is speaking of is \$100,000 below market value not \$20,000 and she is not the only homeowner in that situation. She then proceeded to discuss Lawrence Township having just as many pre-foreclosed homes as there are homes for sale which is why the housing process is so depressed versus West Windsor where there are so few pre-foreclosings and houses are selling like hotcakes; and, because the housing prices are not going up and remains very depressed she would like to urge the Council to be mindful of their budget so that property taxes do not continue to increase as homes continue to devalue. Additional dialogue took place relative to the Council balancing municipal services versus the budget.

Mr. Joseph Mislán, 4 Sunset Road, stated he has been a resident of Lawrence for 45 years and proceeded to speak on the budget as it relates to pensions and benefits and Senator Sweeney’s S-2 Bill, reducing government cost through shared services, buying in bulk and subcontracting/combining like services – such as grass cutting and buildings and grounds work. Additional dialogue took place relative to Lawrence long history of participation in shared services to include Middlesex County Purchasing Co-op for the purchasing of supplies and the privatization of services – such as 911 dispatch, custodian, grass cutting and portions of the snowplowing (when possible) as well as shared health clinics with Hopewell and Hamilton and a host of other shared services with surrounding municipalities.

After the Public Hearing, Resolution No. 153-14(C) was 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						

Public Participation (5-minute limitation per speaker)

Mr. Joseph Mislán, 4 Sunset Road, discussed the 08648 Zip Code matter as it relates to it being exclusive to the Lawrence Township and not Trenton and was advised again by Mayor Lewis that the matter was addressed by the Council almost a decade ago and they won... the 08648 zip code was changed by the U.S. Postmaster and they cannot force businesses or the internet search engines such yahoo, google, etc. to update their mailing list.

Mr. Mislán stated his second issue is Lawrence Township form of government as it relates to the Faulkner Act, which is very well written but goes back a number of years, because times are changing he is recommending that Lawrence Township Council consider changing their form of government under the Faulkner Act to remove the Business Manager so that they do not have that continued movement away from Council to the Manager as the Township is going to expand and they should be preparing for the future as the town continues to grow.

There being no one else to address the Council, Mayor Lewis closed public participation.

Review and Revisions of Agenda

There were no revisions to the agenda.

Adoption of Minutes

There was no adoption of minutes.

Awarding or Rejecting of Bids

There was no award of bids.

Introduction of Ordinances

Mayor Lewis read by title an ordinance entitled, “ORDINANCE AUTHORIZING THE PRIVATE SALE OF CERTAIN LANDS OF THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, NOT NEEDED FOR PUBLIC USE”

Mr. Krawczun stated that the Ordinance authorizes the sale of publicly owned land on Orchard Avenue to contiguous property owners through a process of a public bid and that the parcel is about a 2500 sq. ft. lot that had been offered previously for sale with other properties at a public auction and no bids were received; but, they have been approached by one of the contiguous owners requesting that the property be offered again through public bid and it is his recommendation that the sale of the property be scheduled once again. Furthermore, if the contagious owner chooses to purchase the parcel it is prohibited from being built upon and/or subdivided and the property offer for sale bid price will begin at \$1,500.

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

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

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Mayor Lewis read by title an ordinance entitled, “AN ORDINANCE REPEALING SECTION 15-7 OF CHAPTER 15 OF ‘THE CODE OF THE TOWNSHIP OF LAWRENCE, NEW JERSEY’ ENTITLED ‘RETAIL SALES AND SERVICES BUSINESS – HOURS OF OPERATION’ AS AMENDED BY ORDINANCE NO 1339-03 AND ORDINANCE NO 1595-99 AND ADOPTING A NEW SECTION 15-7 REGULATING THE HOURS OF OPERATION OF BUSINESSES AND COMMERCIAL ESTABLISHMENTS TO WHICH THE PUBLIC IS INVITED AND ESTABLISHING EXCEPTIONS THEREFROM”

Mr. Krawczun stated that the Ordinance repeals prior ordinances regulating hours of operation for commercial businesses that operate in one of the neighborhood commercial zones or limited businesses zones that are within 500 feet of a residential zone or residential property. Businesses will be allowed to operate for commercial purposes before 5 a.m. and after midnight Mondays through Fridays, or after 1 a.m. Fridays through Sundays and legal holidays, as the prior Ordinance had a start time of 6:00 a.m. There are some exceptions to businesses subject to the restrictions – such as bars, barbers shops, gas stations

excluding vehicle repairs and body work, hotels/motels, bowling alleys, etc., and businesses that have been previously operating 24 hours or after the specified hours of operation since April 8, 1992.

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

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

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Mayor Lewis read by title an ordinance entitled, "BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,423,850 AND AUTHORIZING THE ISSUANCE OF \$1,144,550 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF"

Mr. Krawczun stated that the Ordinance authorizes various capital improvements with an aggregate cost of \$1,423,000 and authorizing the issuance of \$1,144,000 bonds and notes. The 2014 Capital Improvement Plan also includes a five-percent (5%) down payment which is required according to Local Bond Law, as the law requires a (5%) down payment on the amount of debt issued, and this particular ordinance exceeds that five-percent down payment as they have been working toward paying down the Township's long-term debt and by doing that they saw from 2010 thru 2014 a \$4.1M decrease that will continue this year after this authorization being the amount to be authorized is less than the amount being paid down. They have also been working with this particular Ordinance by increasing the down payment and paying more cash toward the authorized improvements and in doing so it reduces the amount of debt to be issued and hedges against potential future interest rate increases.

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						

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Mayor Lewis read by title an ordinance entitled, "BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS IN AND BY THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$946,150 INCLUDING THE AMOUNT OF \$220,000 EXPECTED TO BE RECEIVED AS A GREANT AND AUTHORIZING THE ISSUANCE OF \$689,842 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF"

Mr. Krawczun stated that the Ordinance is the second part of their Capital Improvement Program for 2014 for all of their road work and that the road improvements will include Princeton Pike between Darrah Lane and Fairfield Avenue as well as other overlay improvements that will include Cold Soil Road from Carter Road to Fackler Road on Rt. 206 to Princeton Pike, Manning Lane to Princeton Pike, Fackler Road to Province Line and another couple of section of Princeton Pike and Province Line Road to Rosedale Road and indicated in 2013 they funded a portion of Province Line from Princeton Pike to 206, which was a shared service with Princeton on the partial paving, and other improvements includes drainage work, concrete and road structure and that the road improvements will be funded impart by a grant they will be receiving from NJDOT in the amount of \$220,000.

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

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

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Adoption of Ordinances

Mayor Lewis read by title an ordinance entitled, "BOND ORDINANCE PROVIDING FOR ACQUISTION OF POLICE VEHICLE IN-CAR VIDEO SYSTEMS BY THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$125,000 AND AUTHORIZING THE ISSUANCE OF \$118,750 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF"

Ordinance No. 2183-14

BOND ORDINANCE PROVIDING FOR ACQUISITION OF POLICE VEHICLE IN-CAR VIDEO SYSTEMS BY THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$125,000 AND AUTHORIZING THE ISSUANCE OF \$118,750 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Lawrence, New Jersey as a general improvement. For the improvement described in Section 3, there is hereby appropriated the sum of \$125,000 including the sum \$6,250 as down payment for the improvement as required by the Local Bond Law. The down payment has been made by virtue of provision for down payment or for capital improvement in one or more previously adopted budgets.

Section 2. In order to finance the cost or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$118,750 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of Police Vehicle In-Car Video System. The improvement listed herein include all work and material necessary therefore or incidental thereto.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or

delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that may be lawfully undertaken as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness and the reasonable life thereof within the limitations of the Local Bond Law is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$118,750, and the obligations authorized herein will be within all debt limitations prescribed by the Law.

(d) An aggregate amount not exceeding \$1,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes of improvements.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission

(the “Rule”) for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

There being no public comments relative to Ordinance No. 2183-14, it was adopted on the following roll call vote:

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

Manager’s Report –

Mr. Krawczun stated that he met with representatives from Slackwood Fire Company and they had their first meeting with the company that is building the new Aerial Ladder that was purchased at the end of 2013. They are now in the process of working on some design changes so there will be some change orders regarding specifications brought forward for the Council’s final approval.

Mr. Krawczun stated Darrah Lane was paved at the end of 2013 and the workmanship and material did not meet the Township’s satisfaction so the road is being repaved basically down the center at the expense of the contractor. So, he just wanted Council to know that the road was being torn up and a repaved to the Township’s standards in case anyone inquires about it.

Mr. Krawczun distributed two Memorandums regarding recommendations from the Health Advisory Committee for the Council's consideration at another time, and indicated they may recall there was a resident who inquired about the Township's Leash Law and there had been a previous nuisance review by the Health Advisory Committee recommending animals running at large. So, the memorandums are their recommendations for consideration on some possible language changes to the Ordinances pertaining to the Nuisance and Leash Law in Lawrence Township.

Attorney's Report –

Mr. Roskos stated that he has more to report for the Closed Session but he would like share an interesting turn of events that he became aware of today and indicated that most of the Council is aware of the matter concerning the Sunrise Detox case and that the Township was able to extricate themselves from the claims filed by Simone Investment. They postponed their Motion for Summary Judgement with respect to Sunrise Detox, as there are Federal Statutes that are not the same as the Municipal Land Use provisions, and what he hoped for was a resolution between the parties as to who was actually the tenant of the building. But the litigation has spawned yet additional disputes between the punitive tenant Summit Behavioral and Sunrise. Summit was attempting to open up a facility in Union, New Jersey and an Order to Show Cause has been filed by Sunrise in Mercer County to stop the facility from being opened; so, the simple land use matter they had in Lawrence seems to continue to spin out into another orbit.

Mr. Roskos stated he thinks it is appropriate for the Township to revisit their Pay to Play Ordinance as the intention of the ordinance is good, but the verbiage is bad. So, perhaps, this summer they can revisit the Ordinance to make it plain and simple for people to understand that will in turn help everyone and was advised by Mr. Powers that the Township did have a Pay to Play Ordinance that was defeated by referendum so the existing Ordinance is the Common Cause Play to Play Ordinance that was adopted by the voters. Some general dialogue took place relative to previous Ordinance being overturned and some of contradictory language in the present ordinance, after which it was the consensus of the Council to review the ordinance so that it would be simpler for the residents to understand.

Clerk’s Report –

Ms. Norcia stated she distributed the new Financial Disclosure Statement with directions to everyone and suggested that they get them in as soon as possible and that filing is relatively simple but it must be done online and if they have any questions to kindly contact her. She advised the Council that Prayer is now allowed at Council Meetings based on the Supreme Court ruling and she just wanted them to know in the event they desire to revisit the matter of having prayer at the meetings or not. After a brief discussion it was the consensus of the Council to further consider the matter before making a final decision.

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. 154-14 (17-A) thru 168-14 (17-O) with the exception of Resolution (17-L) were approved by the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Brame	X						
Mr. Kownacki				X			
Dr. Maffei	X						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. 136-14 (17-L) was approved 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 –**

Councilmember Brame’s report:

- No Liaison Report.

Councilmember Kownacki’s report:

- No Liaison Report.

Councilmember Maffei’s report:

- No Liaison Report

Councilmember Powers’ report:

- Advised that Diversity Day was Sunday, May 4 and they got great press coverage and over 250 people in attendance and they had High School International Alliance help them out with serving the food so it was great to get the intergeneration going between the seniors and high school kids. They sort of had an Indian theme with Bollywood Dancers and Pam Pruitt from Rider University, Director of Multicultural Affair, was the Keynote Speaker and one of things she would like to do with the approval of Rider is to coordinate their multicultural event with Diversity Day since it’s around the same time sometime in the future.
- Advised that he participated in the Sunshine Foundation DreamLift event for the first time this year and it was very touching to be there on the tarmac as the kids boarded the plane and indicated it is a very good event sponsored by the Foundation.

Mayor Lewis' report:

- No Liaison Report.

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**Written Communications –**

- A. There was no written communication.

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

7:28 p.m.

Respectfully submitted by,

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Kathleen S. Norcia, Municipal Clerk

Attest:

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Cathleen M. Lewis, Mayor