

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

September 16, 2014

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, September 16, 2014 at 6:30 P.M.

The meeting was opened with the Inspiration and 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, September 16, 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, Kownacki Maffei, Powers and Mayor Lewis.
Absent: None.

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

Special Proclamations, Recognitions and Presentations

Mayor Lewis advised that unfortunately the members of the Curbside Household Waste Collection Committee could not make tonight’s meeting so the presentation is postponed until the October 7th Council Meeting.

Public Participation (5-minute limitation per speaker)

There was no public participation.

Review and Revisions of Agenda

Ms. Norcia requested that the Agenda be amended to include the Minutes of Regular Meeting of January 7, 2014.

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

Adoption of Minutes

On a motion by Mr. Powers, seconded by Mr. Brame, the Minutes of Regular Meeting of January 7, 2014 were approved without correction.

Same was carried on the following roll call vote:

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

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 Mr. Maffei, the following resolution was presented for adoption:

Resolution No. 285-14

WHEREAS, on Thursday, September 4, 2014 bids were received and publicly opened for the project known as **2014 Road Improvement Program – Various Roads**; and

WHEREAS, five (5) bids were received and reviewed by the appropriate Township Officials; and

WHEREAS, the lowest responsible bidder was Arawak Paving Company, Inc. who submitted a bid in the amount of \$583,800.00, and

WHEREAS, in accordance with N.J.A.C. 5:50-14, a Certificate of Availability of Funds has been provided and the accounts to be charged are C-04-55-391-245 (\$65,000); C-04-55-386-238 (\$150,000); C-04-55-391-242 (\$65,000); C-04-55-391-243 (\$135,000); C-04-55-391-241 (\$25,000); C-04-55-391-244 (\$36,300); C-04-55-391-246 (\$40,000) and per the Agreement with Princeton Township (\$67,500) adopted per Resolution No. 213-14 on July 15, 2014; 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 Company, Inc., 7503 Weymouth Road, Hammonton NJ 08037 in the amount of \$583,800.00; and

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

Introduction of Ordinances

Mayor Lewis read by title an ordinance entitled, "BOND ORDINANCE AMENDING BOND ORDINANCE 2186-14 BY THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, STATE OF NEW JERSEY, IN ORDER TO REVISE THE DESCRIPTION OF THE IMPROVEMENT HEREIN."

Mr. Krawczun stated that the Ordinance authorizes an amendment to a previously adopted bond ordinance, 2186-14, in order to expand the authorized purposes of the ordinance. The additional purpose is HVAC upgrades at the Lawrenceville Fire Company and Slackwood Fire Company.

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						

Adoption of Ordinances

Mayor Lewis read by title an ordinance entitled, “ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF LAWRENCE TO AMEND THE REGULATION OF SIGNS.”

ADOPTION OF ORDINANCE POSTPONED UNTIL OCTOBER 7 MEETING DUE TO CANCELLATION OF PLANNING BOARD MEETING AND PENDING CONSISTENCY REVIEW

Ordinance 2199-14 was **postponed** on the following roll call vote:

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

Manager’s Report –

Mr. Krawczun provided the Council with an update regarding Tax Exempt Properties in Lawrence Township excluding locations covered by formal Payment in Lieu of Taxes (PILOT’s) agreements, government owned property and residences exempt for disabled veterans, and indicated the data on the spreadsheets that was distributed depicts the actual assessment of each property, the amount of taxes that would be paid for each taxing district if they were not exempt and a “suggested contribution” of 25% of the total taxes otherwise due. He briefly reviewed Page 4 of the document that presents the locations covered by formal PILOT’s and a list of “government owned” property excluding Local, School, County and State parcels, and Page 5 that lists “taxable properties” owned by both The Lawrenceville School and Rider University including the assessments and taxes paid and advised that the value of the exempt properties would raise \$2.9M in revenue if the tax exempt parcels were to make the 25% suggested contribution.

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Mr. Krawczun stated there was a newspaper article a few weeks back in the Trenton Times that talked about dismissing 17,000 citations for the Red Light Camera violations in the State of New Jersey and that he had an opportunity to meet with representatives of American Traffic Solutions (ATS), who is the provider contracted by the Township for the Red light Camera at the intersection of Franklin Corner Road, Route 1 and Bakers Basin Road. He then distributed a letter from ATS to the Council to which he indicated he has not had an opportunity to respond to regarding the Red Light Camera System. He then proceeded to discuss the following history of events

pertaining to the Red Light Camera dismissals and what the company is proposing to resolve the issue going forward.

Mr. Krawczun stated on May 8<sup>th</sup> ATS had a problem with their file servers; they were not getting confirmation that the data was being received when being sent to the Administrative Office of the Courts (AOC). And, because they were unaware of the problem, it created a situation where the clock was running on the requirement that when someone runs a red light they must be given a Notice within 90-days that they in fact had an infraction. That problem was identified and fixed. On July 1<sup>st</sup> the information started exchanging between the AOC and ATS; but, because from May to July no confirmation was received that resulted in Notices not being sent out and ATS is taking responsibility for the failure being some of the violators in New Jersey paid their summonses after going onto the Motor Vehicle's website and it showing they in fact had an outstanding summons; and, although, those violators paid the summonses they were considered unserved because they were never technically noticed.

Mr. Krawczun advised there were approximately 1,000 people who paid tickets in New Jersey, a group that received tickets and a group of about 3,200 that could have conceivably received a Notice but did not because it was during that period of time where there was a lack of communication. So, ATS is proposing that Lawrence Township dismiss 387 citations and based on the 87-percent of tickets always paid in New Jersey the amount equates to \$24,447. Additionally, there are other charges violators are responsible for that are paid to the State, but AOC is not pursuing those charges at the present time. The problem affected Lawrence Township and the other municipalities and they are proposing that Lawrence be credited back one and half months of the service charge for \$28,416, which they feel covers the full amount of the violations that were not received.

Mr. Krawczun indicated the second issue pertaining to a one-car motor vehicle accident that took place at the intersection of Route 1 southbound going onto Franklin Corner Road by Michael's Diner, where there is a jug handle and the vehicle did not navigate the turn and went up on the island and knocked out all of the control equipment on that intersection including the Red Light Camera System. And, because it was an accident that no one could control ATS waived the service fee for the period of August 2<sup>nd</sup> thru August 26<sup>th</sup> for the Township while the equipment was being repaired. And, indicated they could have gone live after the new equipment was installed August 27<sup>th</sup> thru September 4<sup>th</sup> but he felt it was more important to recertify the timing of the yellow light being it was all new equipment. So, he sent out the Police and got the Township Engineer to recertify the timing of the yellow lights and they met the timing requirements based on that traffic count and timing of the yellow lights; but, because they were uncertain he proposed to ATS that for the period of August 27<sup>th</sup> thru September 4<sup>th</sup> that no summonses be issued during the time the certification was being done, which equated to a bulk projection of 268 events; but not 268 citations because each event has to be reviewed by a police officer.

Mr. Krawczun stated the third issue pertains to the Redevelopment Project that was approved for the Mrs. G's site and the roadwork that has to be completed at that intersection. He further indicated some of the roadwork would not only affect the road configuration that may have touched the equipment at some latter point; but there will also be some lane changes and DOT has directed that the Red Light Camera System be shutoff Sunday, September 21<sup>st</sup>; so, anything after September 21<sup>st</sup> at midnight is no longer considered a violation as the cameras are considered at that point to be non-operable. And, because there will be a reconfiguration of that intersection it is their understanding that Lawrence Township will have to reapply to DOT to have the intersection reactivated if they so choose. Additionally, they do not know what is going to happen on December 16<sup>th</sup> with the legislation that created authorization for the project. So, at this juncture what he needs from the Council is consensus to accept the \$28,416 for the May 28<sup>th</sup> thru July 1<sup>st</sup> period, which is a month and half of credit for when ATS had a problem with the server and summonses; be aware that August 2<sup>nd</sup> thru August 26<sup>th</sup> there will be no charge for the period due to the accident and to agree with his recommendation to approve the bulk rejection of 268 events for the period of August 27<sup>th</sup> thru September 4<sup>th</sup> when the Red Light Camera System was being recertified and that the system will be shutoff September 21<sup>st</sup> per directive of DOT.

Mr. Powers stated that he needs to abstain from the vote due to a conflict of interest with his employer and ATS. After some dialogue relative to Mr. Krawczun's report it was the consensus of Council to accept the remittance fee of \$28,416 from ATS for period of May 28<sup>th</sup> thru July 1<sup>st</sup> and take no action while the Red Light Camera System was being recalibrated. The Municipal Manager's recommendation was approved on the following roll call vote:

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

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Mr. Krawczun stated that the Administration received a couple of email communications from residents about the intersection of Routes 206 and Franklin Corner Road and on August 8th he sent a letter to New Jersey Department of Transportation Acting Commissioner, Joseph Bertoni, requesting a meeting to discuss that intersection. They received no response so they reached out to Kimberly Nance, Community Relations person for the Office of Constituents and Community Relations Board for Mercer County and she was asked to arrange a meeting with the appropriate officials at NJDOT. So, he just wanted everyone to know that they have been trying to get that meeting to occur.

Furthermore, he asked Jim Parvesse, Township Engineer, to reach out to Jim Kochenour, Traffic Consultant to both the Planning and Zoning Boards, relative to his proposal to do an Operation Analysis at that intersection (Route 206 and FCR) and that Mr. Kochenour responded back to the request advising that the study will include compiling a manual of turning movements, traffic counts during the peak periods at the intersection, which includes 6-9 am and 3-6 pm., in addition, to counting traffic at the jug-handle where there will be a capacity or level of service announces for the main intersection as well as the jug-handle for the peak hour within each of the two peak periods. They will project existing traffic volumes for 10-years and undertake a capacity and level of service announces with those ten year projections. So, it is his recommendation that they proceed with Mr. Kochenour proposal as it will be very helpful to understand the functionality of that intersection and help when speaking with DOT about making plans going forward. The study will cost \$2,900 and funding is available from the Planning Board Other Expense Budget. The Council concurred with the study.

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Mr. Krawczun distributed copies of memorandum from Detective Scott Caloiaro regarding the proposed Towing Ordinance and the discussion that took place at the September 2<sup>nd</sup> Council Meeting relative to the language in the Ordinance mandating towers to have a 21-foot flatbed truck and whether it was a recommended industry standard and indicated, according to the memo, there is no current industry standards to mandate the length of tow trucks in the State of New Jersey. However, it is the recommendation of the Garden State Towing Association that every towing agency should have at least one 21-foot flatbed with a 25.5 Gross Vehicle Rating (GVW) due to the creation of larger trucks and it being safer and more efficient in clearing the roadway if there is damage from a motor vehicle accident. The question now is shall the proposed Towing Ordinance include or not include the 21-foot flatbed truck requirement.

An at length discussion took place relative to the issue as it relates to public safety and the larger vehicles requiring a larger flatbed for the purpose of safety, after which it was the consensus of the Council to include the 21-foot flatbed requirement in the Ordinance with stipulations; a time delay to 7/1/15 to comply; failure to comply results in suspension until such time a truck is purchased and add language regarding the rotation process for towers who do not meet the requirements.

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Mr. Krawczun distributed a memorandum to the Council that was delivered to his office on Thursday, September 11th regarding the Final Remedial Investigation Report for the Lawrence Road Service Station (Pit Stop) and advised that he has not read nor has his staff had an opportunity to review the Conclusions and Remedial Alternatives Report; but, he wanted Council to have a copy of the information for their review as he knows how anxious everyone has been to get an update on the matter of the Pit Stop.

Further, he will forward a copy to GEPNA once it has been reviewed by the Administration.

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Mr. Krawczun stated that he received communication about the intersection of Gordon Avenue and Bergen Street, which is currently a 2-way stop, and he asked the Engineering Department to do an analysis of that intersection to determine if a 4-way stop should be installed, and they began the process by having the Police Department review the history of accidents and found that there had not been an accident at that intersection since January 2013. The review also included a traffic count for 24-hours and at peak hours and based on that information the Township Engineer reviewed the criteria established by the Manual on Uniformed Traffic Control Devices to determine if that intersection met the standards for the installation of a 4-way stop. And, what the Manual provides is that on a major roadway there has to be 300 vehicles per hour for any 8 hours on an average day and for the non-major road 200 vehicles per hour for the same 8 hours and based on those volumes that intersection does not meet criteria. Therefore, it is the recommendation of the Township Engineer that no study be done as the intersection does not meet the standards for the installation of a 4-way stop.

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Mr. Krawczun distributed copies of the Agenda that will be utilized for the four municipalities at the Community Energy Aggregation Meeting taking place on Thursday, September 18th at Mercer County Community College at 7:00 p.m., and indicated each of the four towns will be represented by their Mayor or Deputy Mayor. Mayor Lewis will represent Lawrence and perform the introduction and somewhat moderate the event and Mr. Gary Finger, Ombudsman for the Bureau of Public Utilities, will actually make the presentation on the technical information on Energy Aggregation for residential or business, after which there will be an opportunity for the local representatives from each of the towns to pose questions and comments. They are also going to ask participants attending the Public Information Session to complete a Community Energy Aggregation Survey to gauge the level of representation by town, support and interest in Energy Aggregation. The meeting will also be recorded by Hopewell Township and placed on their website for those interested and they will be working with the other towns on various aspects of the meeting.

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Mr. Krawczun stated with regards to Affordable Housing, in 2013 and 2014 the Township funded a Rehabilitation Grant Program with two rounds of funding from Lawrence Township Affordable Housing Trust Fund for a rehab program; a program for any homeowner who meets income eligibility requirements to correct code violations or lifesaving hazard issues and indicated the original program had about \$400,000 dedicated to it and they are through about \$215,000. They have renewed their contract

with Affordable Housing Administrators and he is now asking the Council to expand the program.

Mr. Krawczun advised back in late August early September COAH approved all of the committed money, which means that money is not subject to forfeiture over to the State, so they now have \$460,000 in new money and he is asking for the Council to increase the Township's contribution to the Rehab Program by at least another \$200,000 so that they can expand the program and do outreach. If that is satisfactory to everyone he can initiate that paperwork to expand the program and indicated the benefit of expanding the program is to bring the houses up to code, reduce safety hazards, and to keep the money to help the residents instead of it being forfeited it back to the State. In addition, they are able to purchase some of the affordable houses that were foreclosed on and the sale and proceeds go back into the account and counts as new money. It was the consensus of Council for Mr. Krawczun to move forward with the paperwork.

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Mr. Krawczun stated a couple of meetings ago he advised the Council that he had been in conversation with the representatives of the Fraternal Order of Police (FOP) on the matter of their Off-duty Pay for Traffic Control and that the current Ordinance calls for off-duty police officers to be paid \$45 an hour, which was last approved in October 2004. He then proceeded to review the Police Comparison Sheet pertaining to the various fees paid for police service, police car and administration fee charged by several Police Departments in Mercer County and recommended that an ordinance amendment be brought forward to increase the hourly rate from \$45 to \$75 and adjust the administrative fee from \$5 to \$7, which is compatible with some of the other towns and that the change will help clean up the administrative details of trying to reimburse the accounts and the timing of that being done from one month to the next. Further, the new category will not be labeled Traffic it will be labeled as Utility Work, Traffic Control for Special Events and Security and the fee for Traffic Control for Special Events and Security will be \$45 an hour and the Utility Work fee will be \$75 an hour. A general discussion followed relative to Mr. Krawczun's proposal and the Council requested to see the new Matrix prior to Ordinance being introduced to get a better understanding of what it entails.

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Mr. Krawczun advised that Dave Levy the Deputy Tax Assessor has resigned and will be leaving at the end of the week to take a position with East Windsor Township as their Tax Assessor; and Diane Runowicz, Technical Assistant for the Construction Officials, will be retiring at the end of the month after 30 years of service with Lawrence Township.

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**Attorney's Report –**

Mr. Roskos advised that he and the Municipal Clerk will be meeting tomorrow to go over a more formal response on the OPRA issues that were raised by John Paff and that Ms. Norcia has already responded to one of Mr. Paff's request that was directed to Council and they are now going to follow-up on the second correspondence from him. Hopefully, with a meaningful response he will understand.

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**Clerk's Report –**

Ms. Norcia stated if any of Council is interested in attending the League of Municipalities etc. to please let her know so the proper reservations can be made.

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**Old Business –**

There was no old business.

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**New Business –**

Mr. Powers stated that they might have read or seen something where Pennington Borough is looking to do something regarding taxes with The Pennington School and for a number of years Lawrence Township has been having the PILOT agreement with The Lawrenceville School. And, September 4<sup>th</sup>, a resident who served on the Lawrence Township Budget Committee a number of years ago, sent a letter to the Municipal Manager regarding the matter of The Lawrenceville School being tax exempted and making a contribution in lieu of taxes and he knows it is the prerogative of the Council along with the Manager in terms of negotiating the PILOT; but, with the new Head Master coming in he just wanted clarification so that there is no confusion relative to the negotiation process.

Mr. Krawczun advised that he prepared a 5-year analysis of what The Lawrenceville School and Rider University have contributed to the Township since 2010 for Council's review. Mayor Lewis then stated it is every resident's prerogative to write a letter to someone; but, that resident is not acting as an agent of the Township and only the Township Council and Municipal Manager are allowed to negotiate a PILOT agreement with the entities provided to them by the Municipal Manager. Furthermore, she and Mr. Krawczun have had a conversation on the matter and they have not decided if they are going to discuss the matter with the old or new Administration they are still contemplating how to proceed...but it is on their to do list.

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

Mr. George Stafford, 16 Kitchell Avenue, Wharton, NJ, stated he is present as the Outreach Director for the New Jersey Highlands Coalition and he has been going around for the past couple of years to municipalities, Freeholder Boards, Environmental Commissions and Regional Bodies to ask that they consider a Resolution of Support for 2004 Highlands Water Protection and Planning Act, and advised that there are 244 communities in New Jersey that get some or all of their water from the Highlands sources and the NJDEP and U.S. Geological Survey indicates that Lawrence Township gets up to 20 percent of water from the Highlands sources. Not to say people in Lawrence don't have a number of water sources; but, they buy or purchase water primarily from the Raritan System, which part of the Highlands, and there are some aquiferous influence as well on some of the wells from which they get their water.

Mr. Stafford showed the Council a copy of the Regional Master Plan for the Highlands which is up for renewal and indicated presently there are a number of people on the Highlands Council who meet once a month in Chester and have been getting a lot of pressure from the people in Highlands about what should be done and not being able to develop their property, as well as other problems; but, the Council does not hear from the 244 towns that represents about 63-percent of the people that stay in New Jersey who get water from the Highlands and should be represented by the Council. So, that is why they are having this outreach asking the Township Council to support this Act as it provides clean water, adequate water and it limits the runoff or attempts to maintain the 2004 levels. He then distributed copies of the Resolution of Support for Council's review and consideration and continued to discuss some of economics and environmental benefits related to the Act. A general discussion ensued relative to Mr. Stafford's request.

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**Resolutions**

Resolution Nos. 271-14 (18-A) thru 284-14 (18-N) with the exception of Resolution 272-14 (18-B) were 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   |     |         |        |         |      |        |
| 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. 272-14 (18-B) 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.

Council Initiatives/Liaison Reports –

Councilmember Brame’s report:

- Advised that he attended the Recreation Committee Meeting and it was informative. They had a speaker who presented a proposal to reuse some of the existing fields, particularly those used for soccer and lacrosse, as lacrosse is becoming a fast growing athletic event in the Township and that the Committee enthusiastically received the report; but, there is a logistic problem of how to balance the use of the lacrosse and soccer fields and provide lighting necessary to the conduct the exercises needed. So, the Report was taken under advisement and the Committee will continue to review the Report and then at an appropriate time make a recommendation.

Councilmember Powers’ report:

- Advised that the Human Relations Committee meets tomorrow September 17th, and as for the Shade Tree Committee the Township is really benefiting from the Boy Scouts who are doing their Eagle Scout Projects over at the Nature Center. Also, the Shade Tree Committee has enlisted the Scouts to help with the Memorial Trees that they talked about planting in an area on Princeton Pike and they have decided to plant the Redwood trees that grow very rapidly, and the area they decided on will be a very nice park-like area for the Memorial designation for folks who want to make a memorial contribution for a Shade Tree as they will have a little plaque for the person they are remembering.

Mayor Lewis’ report:

- Advised that the Growth & Redevelopment Awards ceremony is October 8th and they have a number of Applicants and the good news is they had so many they had to turn some applicants away this time, which is a good indicator that there are lots of new businesses in town.

- There were no additional Liaison Reports.

Written Communications –

There was no written communication.

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

7:15 p.m.

Respectfully submitted by,

Kathleen S. Norcia Municipal Clerk

Attest:

Cathleen M. Lewis, Mayor