

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

October 18, 2016

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, October 18, 2016 at 6:30 P.M.

The meeting was opened with the Inspiration and Pledge of Allegiance, led by Municipal Clerk.

At the commencement of the meeting Mayor Maffei 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, October 18, 2016 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 Bobbitt, Kownacki, Lewis and Mayor Maffei.
Absent: Councilman Powers.

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

Special Proclamations, Recognitions and Presentations

There were no proclamations or presentations.

Public Participation (5-minute limitation per speaker)

There was no public participation.

Review and Revisions of Agenda

The Deputy Clerk asked that Resolution (9-C) - Authorizing a Rejection of Bid for Snow Plowing Services be added to the agenda, and Resolution (18-B) - Authorizing Alternate Municipal Prosecutors for 2016 be removed from the agenda.

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

Same was carried on the following roll call vote:

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

Adoption of Minutes

On a motion by Ms. Lewis, seconded by Mr. Kownacki, the Minutes of Closed Session Meetings of December 15, 2015, March 15, 2016, April 5, 2016, April 19, 2016 and October 4, 2016 were approved with corrections on the following roll call vote:

Same was carried on the following roll call vote:

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

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On a motion by Ms. Lewis, seconded by Mr. Kownacki, the Minutes of Closed Session Meetings of June 21, 2016 were approved on the following roll call vote:

Same was carried on the following roll call vote:

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

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Awarding or Rejecting of Bids

Mayor Maffei asked for comments from the public. There being none, Mayor Maffei asked for comments from Council. There being none, public participation was closed.

On a motion by Ms. Lewis, seconded by Mr. Bobbitt, Resolution (9-A), Authorizing Awarding Bid to Quality 1<sup>st</sup> Contracting, Inc. for the 2016 Concrete Program-Phase 2, was presented for adoption.

Resolution No. 376-16

WHEREAS, on Thursday, October 6, 2016 bids were received and publicly opened for the project known as **2016 Concrete Program – Phase 2**; and

WHEREAS, seven (7) bids were received and reviewed by the appropriate Township Officials; and

WHEREAS, the lowest responsible bidder was Quality 1<sup>st</sup> Contracting, Inc. who submitted a bid in the amount of \$74,440.00 (which includes the total base bid of \$57,140.00 and alternate #1 in the amount of \$17,300.00); and

WHEREAS, in accordance with N.J.A.C. 5:50-14, a Certificate of Availability of Funds has been provided and the accounts to be charged are C-04-55-410-236 (Ord. #2228-16 Various Capital Improvements / Improvements Municipal Building – Sign \$17,300.00); C-04-55-419-249 (Ord. #2229-16 Various Road Improvements Central Park - \$5,000.00); C-04-55-329-230 (Ord. #2021-09 Amended by Ord. #2197-14 Various Road Improvements & Drainage Improvements - \$39,740.00); C-04-55-386-236 (Ord. #2186-14 Municipal Building Security Improvements - \$12,400.00);

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 Quality 1<sup>st</sup> Contracting, Inc., 359 Route 35 South, Cliffwood NJ 07721 in the amount of \$74,440.00; 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 Bobbitt, Kownacki, Lewis and Mayor Maffei.  
Nays: None.  
Absent: Councilman Powers.

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Mayor Maffei asked for comments from the public. There being none, Mayor Maffei asked for comments from Council. There being none, public participation was closed.

On a motion by Mr. Bobbitt, seconded by Mr. Kownacki, Resolution (9-B), Authorizing Awarding Bid to Armando's Construction, Inc. for the Maintenance and Restoration of Carson Road Woods – Lawrence Hopewell Trail, was presented for adoption.

Resolution No. 377-16

WHEREAS, on Thursday, October 6, 2016 bids were received and publicly opened for the project known as **Maintenance & Restoration of Carson Road Woods (LHT)**; and

WHEREAS, six (6) bids were received and reviewed by the appropriate Township Officials; and

WHEREAS, the lowest responsible bidder was Armando's Construction, Inc. who submitted a bid in the amount of \$22,920.00, 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-04-55-415-220 (Ord. #228-16 Various Capital Improvements / Various Park / Recreation Improvement – Carson Woods Drainage (\$6,250.00); C-04-55-329-230 (Ord. #2021-09 Amended by Ord. #2197-14 Various Road Improvements and Drainage Improvements) \$4,670.00; 6-16-56-843-299 (2016 Recreational Trail Grant – Open Space) \$12,000.00; 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 Armando's Construction, Inc., 311 Dickinson Street, Ewing NJ 08638 in the amount of \$22,920.00; 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 Bobbitt, Kownacki, Lewis and Mayor Maffei.  
Nays: None.  
Absent: Councilman Powers.

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Introduction of Ordinances

There was no introduction of ordinances.

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Adoption of Ordinances

Mayor Maffei read by title, an ordinance entitled, "AN ORDINANCE AMENDING ORDINANCE NOS. 2120-12 ESTABLISHING RATES FOR SEWER SERVICE"

Mr. Krawczun advised that the Ordinance authorizes an amendment to the sewer user rates and demand charges for sewer treatment services provided to Lawrence Township businesses and residences. Ewing-Lawrence Sewerage Authority (ELSA) provides service to both Ewing Township and Lawrence Township and based on the amount of flow there is an apportionment of the operating cost and debt service billed to each municipality. The fees were last adjusted in 2012 and they are recommending a modest increase of \$1.00 on the demand charge and .26 cent increase on charge per cubic feet of water which is about a five-percent increase.

Ordinance No. 2247-16

AN ORDINANCE AMENDING ORDINANCE NO. 2120-12  
ESTABLISHING RATES FOR SEWER SERVICE

BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey that Section 20-1A of the Lawrence Township Administrative Code entitled 'Sewers and Sewage Disposal' is hereby amended as follows:

Section 20-1A Sewer Connection – Schedule of Rates for Sewer Services

A. Fixed Charge

1. Single family residential, multi-family residential, hotel/motel, and commercial. There will be a charge of [~~\$42.00~~] \$43.00 dollars annually for each residence (including individual apartments in apartment complexes) and each individual non-residential unit.

B. Fees Attributable to Operation and Maintenance Charges

1. All users shall be subject to an additional fee attributable to Operation and Maintenance charges of [~~\$4.54~~] \$4.80 per cubic feet of water...

D. Rate Charges for Unmetered Premises

- 1. Charges for residential sewer service for premises without metered sewer or water connections shall be based on an estimated annual water consumption of fourteen thousand two hundred (14,200) cubic feet. Applying the Operation and Maintenance charges of [~~\$4.54~~] \$4.80  
 ...
  - a. Each unmetered residential use [~~\$644.68~~] \$681.60
  - b. Each residential use shall be charged the fee for Debt Service, Billing and Administration [~~\$42.00~~] \$43.00
  
- 2. Charges for sewer service for hotels and motels without metered sewer or water connections shall be based on an estimated annual water consumption of six thousand four hundred and fifty (6,450) cubic feet. Applying the Operation and Maintenance charges of [~~\$4.54~~] \$4.80 per hundred...
  - a. Each unmetered room [~~\$292.83~~] \$309.60
  - b. Each room shall be charged the fee for Debt Service, Billing and Administration [~~\$42.00~~] \$43.00
  
- 3. Charges for sewer service for all other uses without metered sewer or water connections shall be based on an estimated annual water consumption of fourteen thousand two hundred (14,200) cubic feet for up to ten fixtures. Each additional fixture shall be estimated at one thousand four hundred and twenty (1,420) cubic feet. Applying the Operation and Maintenance charges of [~~\$4.54~~] \$4.80 per hundred...
  - a. Each use up to ten fixtures [~~\$644.68~~] \$681.60
  - b. Each additional fixture [~~\$64.47~~] \$68.16
  - c. Each use shall be charged the fee for Debt Service, Billing and Administration [~~\$42.00~~] \$43.00

Deletions are in brackets [ ]  
 Additions are underlined \_\_\_\_

Ordinance 2247-16 was approved on the following roll call vote:

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

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Mayor Maffei read by title, an ordinance entitled, "ORDINANCE PROVIDING THE AUTHORIZATION TO CONTRACT WITH THIRD PARTY PAYROLL SERVICES INCLUDING ELECTRONIC DISBURSEMENT CONTROLS BY THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY"

Mr. Krawczun advised that the Ordinance authorizes a third party agency to make payroll disbursements on behalf of the Municipality for various payroll purposes including taxes. This is a new requirement put out by the Division of Local Government Services and the Local Finance Board partly due to the difficulties the City of Trenton experienced with their payroll account and payroll agency.

Ordinance No. 2248-16

ORDINANCE PROVIDING THE AUTHORIZATION TO CONTRACT WITH THIRD PARTY PAYROLL SERVICES INCLUDING ELECTRONIC DISBURSEMENT CONTROLS BY THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY

**BE IT ORDAINED** by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, authorizes the following:

**Section 1. WHEREAS**, the Local Finance Board of the State of New Jersey adopted rules regarding "Electronic Disbursement Controls for Payroll Purposes" in order to provide authority for local governments to hire third-party payroll services and disbursing services to disburse funds to payroll agencies; and

**Section 2. WHEREAS**, the Township of Lawrence wishes to permit a third-party service to have access to Township funds, to formally assign responsibility to an official to oversee the process, and to authorize a contract for third-party payroll services as permitted by and in compliance with N.J.A.C. 5:30-17.1 et seq.; and

**Section 3. WHEREAS**, the Township is authorized to use a payroll service to prepare payment documentation, take possession of Township funds, and make such disbursements itself on behalf of the Township, as permitted by and in compliance with N.J.A.C. 5:30-17.1 et seq.; and

**Section 4. WHEREAS**, N.J.A.C. 5:30-17.3 et seq. requires the Governing Body to enact policies for contracting with a disbursing organization to process payroll disbursements on its behalf. Such policies shall be formally authorized and shall specify the tasks that may be performed by a disbursing organization. Such policies may involve the use of a disbursing organization to prepare the necessary payment documentation and execute disbursements from the local unit's bank account on behalf of Lawrence Township. In addition, such policies may involve the preparation of payment documentation, take possession of local unit funds and make such disbursements itself on behalf of Lawrence Township, or any combination thereof; and

**Section 5. WHEREAS** N.J.A.C. 5:30-17.4 et seq. describes the terms and conditions the Township of Lawrence must meet prior to the execution of a contract with a disbursing organization, including permissible tasks, but not limited to data collection, agency report preparation, calculation of withholding, direct deposit of payroll disbursements, or local transfer of funds to disbursing organization’s account for subsequent payment. In addition, pursuant to *N.J.S.A. 40A:5-17(a)(1) et seq. the Governing body shall designate* the CFO to be responsible for authorizing and supervising the activities of the disbursing organization. Furthermore, the Governing Body shall supplement the duties of the approved officer established in accordance with N.J.S.A. 40A:5-17(a)(2) et seq. to include the reconciliation and analysis of all general ledger accounts affected by the activities of the disbursing organization. Additionally, The Township is hereby authorizing the disbursing organization to hold funds of the Township pending transmittal of those funds to a payee; and

**Section 6. WHEREAS**, The disbursing organization must notify the Governing Body in the event of the following: (1) The disbursing organization detects irregularities that may indicate potential fraud, noncompliance with appropriate laws, dishonesty, or gross incompetence on the part of the approval officer: or (2) The disbursing organization experiences circumstances that could jeopardize its ability to continue operations or otherwise interrupt services provided to the Township; and

**Section 7. WHEREAS**, the appointment of a payroll service shall be pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and shall require the contractor to do the following, not by way of limitation: data collection, agency report preparation, calculation of withholding, direct deposit of payroll disbursements, and/or transfer of Township funds to contractor’s account for subsequent disbursement of payment; preparation of necessary payment documentation and execution of disbursements from the Township’s bank account on behalf of the Township; and

**Section 8. BE IT FURTHER RESOLVED**, the disbursing organization must be in compliance with the eligibility requirements set forth in in 5:30-17.5 et seq. and 5:30-17.6 et seq.

Ordinance 2248-16 was approved on the following roll call vote:

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

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**Manager's Report –**

Mr. Krawczun advised that the 2016/2017 Best Practices Survey was previously distributed to the Council for their review and consideration. The Survey requires municipalities to achieve a certain score based on a series of questions on what the Division of Local Government Services (DLGS) has crafted as the best practices, those types of activities that municipalities can utilize to improve economic, managerial and financial management efficiencies and are broken down into different categories. The goal is for a municipality to achieve a score of at least 22 of the 30 questions of yes or not applicable answers and if the goal is reached the town will be eligible to receive the final payment of their state aid allotment at the end of the fiscal year; but, if the appropriate score is not achieved there will be a withholding of the entire amount not just a percentage as was done in the past. Lawrence's score was 27 with 23 yes votes and 4 not applicable and if that is acceptable to the Council the Administration will file the report by the deadline which is Friday, October 21<sup>st</sup>. There were no questions, comments or objections to the filing of the report.

Mr. Krawczun distributed a memorandum to the Council relative to the Senior Center Age Use Policies that was in question and an Ordinance from 1991 that contained the established requirements for the use of the Senior Center. He then reviewed the Survey that was conducted by the Lawrence Township Office of Recreation of surrounding municipalities in Mercer County that showed the age requirement for the use of the Senior Center in each of their respective municipalities and is consistent with Lawrence Township age requirement. Six municipalities showed the age requirement at 60 years of age, one municipality at 55 years of age and no response from one of the municipalities. Ms. Lewis questioned the guest piece of the Ordinance with respect to eligible senior having a younger guest in attendance at the Senior Center. Mr. Krawczun replied that a family member assisting an elderly member regardless of age is free to attend. Additional discussion took place relative to Senior Executive Committee reviewing the existing age requirement for possible reduction in the age requirement of 60 years of age or older.

Mr. Krawczun distributed a four page proposal to Council for their review and consideration that was received from Philip Caton, Planning Consultant to the Planning Board, and Brian Slauch, Planning Consultant to the Zoning Board, outlining the Redevelopment Plan for the Lawrence Shopping Center sought out by the Township to examine the feasibility of creating a Redevelopment Zone at the Shopping Center. He then proceeded to discuss the scope of the work regarding the preliminary investigation and redevelopment plan for the area, the fees associated with the undertaking of the Redevelopment Plan and what would be needed to accomplish the redevelopment goal at the Shopping Center and asked that the Council review the proposal for purposes of discussion at the next meeting as there might be an opportunity to award the contract for the work this year as funding is available and it is permitted under the budget law to execute the contract this year although the work will commence next year.

Mr. Krawczun stated he would like to apologize to the Council regarding this last item of discussion, the Non-union Salary Ordinance for Exempt and Non/exempt Employees that was previously requested by Councilman Bobbitt as he thought it was already electronically sent to members of Council, and advised that there are two schedules in the Ordinance, Schedule A for employees hired before December 31, 2013, and Schedule B for employees hired after January 1, 2016, for their review. He then revisited the matter which was previously discussed regarding the search and selection process for the replacement of the Municipal Manager’s position and asked the consensus of Council as how they would like him to proceed with regards to sending out a Request for Proposal or proceeding with alternative options. Some discussion took place relative to the removal and/or re-creation of the title of Director of Community Development and Mr. Krawczun preparing and sending out RFP’s limiting it to (3) three proposals and the Council’s review of those proposals at the next meeting.

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**Attorney’s Report –**

There was no Attorney’s report.

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**Clerk’s Report –**

Ms. Carter advised that each member of Council has a copy of the Employee Handbook with a signature sheet at their stations that must be signed and returned to her as soon as possible for the Payroll Department and that the Municipal Clerk’s Office is open to 7:00 p.m. for late night voters registration.

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**Unfinished Business –**

There was no unfinished business.

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**New Business –**

There was no new business.

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

There was no public participation.

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**Resolutions**

Resolution Nos. 367-16(18-A) through 375-16(18-I) with the exception of Resolution (18-B) were approved by the following roll call vote:

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

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

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**Council Initiatives/Liaison Reports –**

Ms. Lewis reported that Trunk or Treat hosted by the Lawrence Township Police Department is October 27<sup>th</sup> from 5:30 pm – 8:00 pm at Lawrence High School and inquired if they are looking for children trick or treaters and residents to open up their trunks or is it just for the children. Mr. Krawczun replied that the Police Chief along with the FOP has been coordinating plans for the event so he will check with the Chief and get back to her.

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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 at 7:01 p.m.

Respectfully submitted by,

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Tonya D. Carter, Deputy Municipal Clerk

Attest:

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David C. Maffei, Mayor