

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

October 16, 2012

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, October 16, 2012 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 Kownacki read the following statement of proper notice:

STATEMENT OF PROPER NOTICE: “Adequate notice of this meeting of the Lawrence Township Council being held on Tuesday, October 16, 2012, 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 Lewis, Maffei, Powers and Mayor Kownacki.
Absent: Councilman Puliti (The Municipal Clerk advised that Mr. Puliti is out of town on business.)

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

Proclamation and Honors

There were no proclamations or honors.

Review and Revisions of Agenda

The Municipal Clerk advised that Resolution (8-B), Authorizing Recreation Fee Refunds needs to be amended to remove Alexis Ramos who decided to stay in the program, and to remove Resolution (8-R), Authorizing a Closed Session of Council Immediately Following the Regular Meeting to Discuss Matters Dealing with Litigation.

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

Same was carried on the following roll call vote:

Ayes: Councilmembers Lewis, Maffei, Powers and Mayor Kownacki.
Nays: None.
Absent: Councilmember Puliti.

Public Participation

Ms. Myrna Fichtenbaum, 909 Eagles Chase Drive, inquired about Resolution (8-C), Authorizing Support of a Call for a Constitutional Amendment Overturning the “Citizens United Decision”, which essentially requests the Council to vote on behalf of the citizens to support a constitutional amendment that would overturn a decision made by the United States Supreme Court, commonly referred to as the “Citizens United Decision”. Afterwards, she thanked the Council for taking the time to place such an important matter on the Agenda as her organization certainly appreciates their willingness to review and discuss concerns of the citizens in Lawrence on very important decisions.

Ms. Judith Baranowski, 17 Bearfort Road, voiced her frustration with regards to the Township’s proposal to privatize 911 Dispatch Services and the Police Chief claiming that the outsourcing of dispatch services poses no risk to public safety in Lawrence, as well as, the Council’s decision to move forward with private bids for the services after members of the public voiced their concerns and objection to the proposal; a matter that concerns her because colleagues of the Dispatchers are throwing them under the bus.

Additionally, she discussed the Township losing tax revenues and ratables to Hamilton by not allowing WalMart to build on Spruce Street; a decision that has caused the Township to suffer, as well as, the taxpayers and she hopes that they will not be foolish enough to make the same mistake with Costco who wants to build in Lawrence, as the only people who will suffer the consequences of their actions are the Dispatchers when they find themselves on the unemployment line and the Township’s residents who safety will be jeopardized no matter what the Police Chief says.

Mayor Kownacki advised that the privatization of 911 Dispatch Services is just one of the items being reviewed by the Council along with a number of other items and they have not decided whether it will be the elimination of dispatch services, employee layoffs or something entirely different; but, they are working hard to come up with a solution to the problem.

As for WalMart, Mayor Kownacki related he was on the Planning Board during that time period and after much opposition from residents and litigation they backed out of their plans to build in Lawrence after being approved. So, for clarification purposes the Township did not stop them from building in Lawrence.

Mr. William Rodgers, 21 Vaccaro Road, stated the matter he would like to discuss deals with the traffic problem on Province Line Road near the Yorkshire Village area and although the majority his neighbors are not present to speak on the matter they will attest that serious short and long term traffic issues exist in that area, particularly, since the closure on Quaker Road and advised that the issues were spelled out in a letter that was sent to the Council along with a request to reduce the speed limit from 40 mph to 25 mph as a basic starting point. Afterwards, he discussed the challenges with people speeding at 50 mph when the residents are trying to exit their development, as well as, the current speed limit of 40 mph being too high on Province Line Road with the continuous (6 months) closure of Quaker Road, thereby, causing traffic problems for bicyclists and pedestrians trying to cross the road in the area.

Mr. Rodgers indicated that he is not a big advocate of speed bumps as they can cause damage to vehicles and an unwelcomed expense; but, he would like for the Council to push the County to consider installing a blinking light or a four-way stop at the intersection of Port Mercer and Province Line Roads. And, he hates to make that type of suggestion being it is a county road but there has to be some active or passive measures taken to ensure public safety. Some discussion took place between Councilwoman Lewis and Mr. Rodgers with regards to where he is suggesting the traffic signal be installed and the traffic gridlock on Province Line Road, near the shopping areas, where the lanes go from two lanes to one lane.

Councilman Powers advised that the letter from Mr. Rodgers along with a few of his neighbors was forwarded to Freeholder Colavita and copied to Brian Hughes, County Executive, and indicated that he sometimes take that back way as part of his commute home and it is a little bit scary when he is making that blind turn around that merge so he thinks it is worthwhile for the County to come out and review that area. Some discussion took place relative to past problems and additional things that should be reviewed by the County in the Port Mercer/Province Line area.

Ms. Edith Wolff, 23 Port Mercer Road, Yorkshire Village, stated that she also lives in Yorkshire Village and she agrees with everything that Mr. Rogers has said this evening and she wants the Council to know that she also agrees with the speed limit in that area being reduced to 25 mph, as is is a residential area and she thinks it is important to slow down the traffic there. Secondly, she feels very strongly about the installation of a either a four-way stop or a light at that intersection being she has a teenage son who crosses the street to go to the swimming pool, as well as, other children and it is really not safe and eventually

someone is going to get hurt as she has had a couple of close calls herself causing her to have to sprint across the road to avoid being hit. So, it is just a matter of time until something terrible happens and anything that the Council can do to expedite some kind of safety crossing in that area would be greatly appreciated.

Mr. Allen Cohen, 31 Pin Oak Drive, spoke on the matter of a second Public Participation period being added to the Agenda after the Manager's Report and before Executive Session that will enable the public to respond in a timely manner to matters of interest presented by the Municipal Manager during his report. Further, the inquiries will be with restrictions as all inquiries will be directed to the Council who will in turn present the inquiry to the Municipal Manager to follow-up. In addition, he discussed Mr. Puliti's opposition to a second comment period being added to Agenda and other members of Council expressing no thoughts on the matter.

Mayor Kownacki replied upon the Council's request the Municipal Clerk did some research on the matter and she presented the Council with the outcome of that investigation; however, the Council has been operating on a summer schedule and has now returned to a full schedule so in the very near future he will have the Clerk schedule the matter for discussion under Old Business so that they can converse on the matter and possibly render a decision.

Ms. Eileen Stokley, 6 Tower Place, addressed the issue of budgetary savings as it relates to the Council's proposal to privatize Police Dispatcher Services and it being the last place she feels the Council should be looking to privatize, as there are other parts of the municipal budget that can be cut or privatized for savings - such as the Public Works Department whose budget has gone from \$4M to \$6M and is steadily going up. Further, if she needed to call 911 for an emergency she would feel much more comfortable dealing with a Township employee as opposed to a person from a privatized company that knows nothing about the Township, and indicated she does not care who plows her snow or picks up her trash; but, she does have a deep concern about privatizing a service she thinks of as a core local governmental service and thanked the Council for their attention to the matter.

Mr. James Cleak, 7 East Darrah Lane, stated although he came out to speak on the Yorkshire Village traffic matter he sympathizes with the Council because all he has been hearing this evening is "don't cut anything...and don't raise my taxes", which is not an easy task. Further, he sympathizes with the folks that live in Yorkshire Village and have to deal with the traffic issues on Province Line Road because whenever he is in that area no matter what time of the day the traffic is never good; and, although, he has never been up that way during morning rush hour traffic he can imagine how bad it is during that time and he does not know of anything else that would help them to make a left hand turn except a four-way stop.

Mr. Cleak indicated in his experience living on Darrah Lane for 25 years they can reduce the speed limit from 40 mph to 25 mph and it would not have any effect at all, as the speed limit on his street has been reduced and people still go about 40 to 50 mph; especially, since the jug handle at Baker's Basin Road has been closed off and people started using Darrah Lane as alternative to get to Princeton Pike. Therefore, he suspects that a speed bump will be the only kind of passive thing that might have an impact on the traffic on Province Line Road along with the speed limit being changed on Quakerbridge Road and proceeded to discuss his push to get the speed bumps installed on his street years ago to eliminate the traffic problem.

Mr. Edward Wiznitzer, 118 Darrah Lane, spoke about the Township fiscal financial crisis an issue he feels is on everyone's mind and thanked the Council and the Administration for the way they are handling the serious budget crisis being Lawrence Township has always provided services at an optimum level of economic efficiency which he quotes from the current year's budget and is true as they have been doing it for decades and he cannot speak for anyone else, but he appreciates it.

Furthermore, the Township's budget has been managed far better than most towns and that is why the rate in Lawrence has always been comparably low from other towns contrary to what people believe as he has gone through it.

Mr. Witznitzer stated that he sympathizes with the tough job that the Council now has to do but they do need to find new ways of doing things to reduce spending – such as their proposal to privatize dispatch services. He then proceeded to discuss the huge controversy that took place years ago regarding the change to trash pickup in which the Township changed trash pickup from twice a week to once a week and switched over to the blue containers that are presently used; a decision that people are now happy with and suggested maybe they could go to every other week with a fee option for those who want weekly trash pickup an idea he feels will help the budget and not hurt anyone. And, as for bulk pickup, he has it hauled away by whomever delivered the item or by a contractor and advised that bulk pickup is not a required service of the town; it is just a nice service that the Township provides that he appreciates. So, the notion of charging a small fee for that service is not a bad idea; but, it should not be imposed upon everyone and suggested that they experiment for one year with a small fee for bulk pick and keep track of how much collection is really needed and once the year is over they can decide whether they want to do away with the service, up the fee or impose a per use fee.

Mr. Witznitzer continued to discuss the budget crisis as it relates to the 2% cap, tax appeals, tax collections, government budget/revenues versus private sector and the economy lag time to economic recovery and indicated that he would try and come up with more alternative revenue ideas and urged the

Council to do the same. Afterwards, he praised the Municipal Manager, Richard Krawczun, for knowing his business and doing a good job.

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

Adoption of Minutes

There were no Minutes for adoption.

Introduction of Ordinances

Mayor Kownacki read by title an ordinance entitled, "ORDINANCE PROVIDING FOR SIDEWALK IMPROVEMENTS IN AND BY THE TOWNSHIP OF LAWRENCE IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$37,644.64 THEREFOR AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF"

Mr. Krawczun stated that the Ordinance authorizes the placement of a special assessment against thirty-nine properties located in Lawrence for property owners who participated in the 2012 concrete improvement program. A program that affords property owners who own properties adjacent to where roadwork is being performed a chance to have sidewalks, curbs, and driveway aprons replaced at the same cost as the public bid received by the Township for similar work and advised that the full value of all assessments will total \$37,644.65 and that the cost will be assessed against the property with a five year payback period and a set interest rate.

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

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

Resolutions

Resolution Nos. 298-12 (8-A) thru 314-12 (8-Q) with the exception of Resolutions (8-C) & (8-L) were approved by the following roll call vote:

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

Cited Resolutions are spread in their entirety in Resolution Book Volume No. 2 of the Township of Lawrence.

Ms. Lewis stated she requested that Resolution (8-C), Resolution to Support a Call for a Constitutional Amendment Overturning the “Citizens United Decision” be pulled and voted upon separately because she is concerned about the Council overstepping matters that do not pertain to the direct day-to-day operations of the Township, as it could end up being a large concern having resolutions that do not affect the day-to-day welfare or operations of the citizens of Lawrence. However, with that being said she does agree with the sentiment of what is being proposed in this particular Resolution, as it is more of a policy statement, so she will support it.

Mr. Powers stated that he agrees with Ms. Lewis as she picked up on one of his pet peeves with regards to the effectiveness of Resolutions of Support, especially, when the Mayor or Council does not reach out on the particular issue or advocate it and the Resolution just becomes a piece of paper sent to Legislators. Further, he understands the symbolic importance but from his perspective they should have a set policy as to what kind of resolutions the Council will support otherwise they can go crazy supporting all kinds of issues - world peace, protest against wars/nuclear wars and the list goes on and on and suggested that maybe the Township Attorney could give them some guidance on legislative policies and matters they should be supporting.

Mr. Roskos stated they could certainly develop a policy but there are different legislative actions some of which may impact the Township differently and indicated there are a lot of strong feelings about the Bills in the Legislature right now – such as the one that would remove colleges and universities from a Planning Board Review; a Bill that will affect Lawrence just as it is affecting Princeton. So, he does not feel there should be a “hard and fast” rule as to a set policy, as a policy should be something that ties back to the management and the citizens of the Township. A brief discussion took place relative to Mr. Roskos possibly preparing preliminary guidelines for the Council to follow for future decision-making, which Mr. Roskos advised could be done in a resolution format.

Resolution No. 300-12 (8-C) was approved after further discussion by the following roll call vote:

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

Cited Resolution is spread in its entirety in Resolution Book Volume No. 2 of the Township of Lawrence.

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The Municipal Manager provided an in-depth explanation regarding the litigation and settlement of Resolution (8-L) – Authorizing a Settlement Agreement between the Townships of Hopewell, Lawrence, Hamilton and Ewing in the Matter of Hopewell, et al v City of Trenton. Some discussion took place relative to the settlement agreement and process of adopting a Resolution going forward and Mr. Krawczun being very instrumental throughout the process, after which Councilman Powers thanked Mr. Krawczun for his work on the matter.

Resolution No. 309-12 (8-L) was approved after further discussion by the following roll call vote:

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

Cited Resolution is spread in its entirety in Resolution Book Volume No. 2 of the Township of Lawrence.

Awarding or Rejecting of Bids

Mayor Kownacki asked for comments from the public. There being none, Mayor Kownacki asked for comments from Council. There being none, public participation was closed. On a motion by Dr. Maffei, seconded by Ms. Lewis, the following resolution was presented for adoption:

Resolution No. 315-12

WHEREAS, on September 26, 2012, bids were received for Bid No.12-11, Six Wheel Broom Street Sweeper with Belt Conveyor, Demonstrator Unit or Newer; and

WHEREAS, two bids were received and the Municipal Manager and the Director of Public Works have reviewed said bids; and

WHEREAS, the bids submitted are being recommended for rejection due to the Township's decision to make major specification changes;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that the bids submitted for Bid No.12-11, Six Wheel Broom Street Sweeper with Belt Conveyor, Demonstrator Unit or Newer, is hereby rejected.

Same was carried on the following roll call vote:

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

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Mayor Kownacki asked for comments from the public.

Ms. Linda Dlabik, 1358 Lawrence Road, questioned if the lighted crosswalk would be installed in the area that was remediated and the Township's plans to put baseball fields in that same area.

Mr. Krawczun replied that the site has been remediated and that the Bike Pedestrian Trail funded by Bristol-Myers Squibb has been installed on the perimeter of the area of the Dyson Tract and at the present time there are no plans for any specific use for the Tract; however, he does not want to preclude that conversation because someone may come forward with a proposal. But, as of now, there are no plans and there is no available funding for the installation of any active recreational projects. Some discussion followed relative to the installation of the lighted crosswalk on Foxcroft Drive as it relates to the areas existing traffic issues, as well as, the problems with the lighted crosswalk that was installed on Route 206 and the standards being changed since that installation.

Ms. Lewis asked if the Pedestrian Crosswalk was connecting the Lawrence-Hopewell Trail. Mr. Krawczun replied "yes".

Mayor Kownacki asked if there were any additional comments from Council. There being none, public participation was closed. On a motion by Ms. Lewis, seconded by Mr. Powers, the following resolution was presented for adoption:

Resolution No. 316-12

WHEREAS, on Thursday, October 4, 2012 bids were received and publicly opened for the project known as **Princeton Pike Pedestrian Activated Crosswalk Lighting System**; and

WHEREAS, two (2) bids were received and reviewed by the appropriate Township Officials; and

WHEREAS, the lowest responsible bidder was Techna Pro Electric, LLC who submitted a bid in the amount of \$33,325.00; and

WHEREAS, in accordance with N.J.A.C. 5:50-14, a Certificate of Availability of Funds has been provided and the account to be charged is G-02-40-888-299; 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 Techna Pro Electric, LLC, 100 Pike Road, Building B., Mount Laurel NJ 08054 in the amount of \$33,325.00; 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 Lewis, Maffei Powers and Mayor Kownacki.  
Nays: None.  
Absent: Councilman Puliti.

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Mayor Kownacki asked for comments from the public. There being none, Mayor Kownacki asked for comments from Council. There being none, public participation was closed. On a motion by Ms. Lewis, seconded by Mr. Powers, the following resolution was presented for adoption:

Resolution No. 317-12

WHEREAS, on Thursday, October 4, 2012 bids were received and publicly opened for the project known as **2012 Road Improvement Program – Cold Soil Road**; and

WHEREAS, seven (7) 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 \$205,700.00; and

WHEREAS, in accordance with N.J.A.C. 5:50-14, a Certificate of Availability of Funds has been provided and the account to be charged is C-04-55-367-231; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that pursuant to the recommendations of the Municipal Engineer, the Mayor and Municipal Clerk are hereby authorized to execute a contract with Arawak Paving Co., Inc., 7503 Weymouth Road, Hammonton NJ 08037 in the amount of \$205,700.00; 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 Lewis, Maffei Powers and Mayor Kownacki.  
Nays: None.  
Absent: Councilman Puliti.

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#### Adoption of Ordinances

There was no adoption of ordinances.

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#### **Manager's Report –**

Mr. Krawczun reported that the Administration has been working on various budget matters to seek options for 2013, and they are continuing negotiations with representatives of the Fraternal Order of Police (FOP) and advised that they have another meeting scheduled for Monday or Tuesday of next week. In addition, they have had a couple of union sessions with representatives of the EMT's to discuss possible revenue improvements for the ambulance service. So, other than what they have been working on in the last several weeks with regards to the budget and negotiations he has nothing further to report.

Ms. Lewis stated in the last several meetings Mr. Krawczun presented a number of options to Council on various items regarding the budget and inquired about the “hard and fast” timeline of when the Municipal Manager needs the Council to respond to some of those options.

Mr. Krawczun stated they were hoping to have some of the budget matters resolved sooner and not wait until the 2013 budget process; and, he was hoping to get some level of consensus from the Council by the next meeting. Because, if they desire to do a change in service and the service requires an effective date there would be some lead time that the Administration need to arrange for amended service...whether it be a new fee, a reduce service, frequency of service, etc. And, if there is any decision made to reduce staff aside from the dispatch issue each day they delay pushes back the termination date in 2013, which reduces the savings and increases the number of personnel changes they would need. So, there is a level of urgency to get some of the matters resolved so that they can prepare for any changes or properly plan to create the full cost savings that may be available for 2013 by acting as early as possible.

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**Attorney’s Report –**

Mr. Roskos stated he does not have much except they are continuing to pursue the defense of Tax Assessment Appeals and advised that they have had some cases dismissed by the Plaintiff, some cases settled and Motions to dismiss that are pending at the Tax Court right now. Further, he thinks that the Township Tax Appeals situation will crystalize in the next month or so and he may be able to give Council a report at the next meeting so that they will have some sense as where they stand in that area.

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**Clerk’s Report –**

There was no Clerk’s report.

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**Council Initiatives/Liaison Reports –**

There were no Council Liaison reports.

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**Written Communications –**

There was no written communication.

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**Old Business –**

There was no old business.

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**New Business –**

There was no new business.

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

7:50 p.m.

Respectfully submitted by,

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Kathleen S. Norcia, Municipal Clerk

Attest:

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James S. Kownacki, Mayor