

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

September 17, 2013

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, September 17, 2013 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, September 17, 2013 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 and Mayor Kownacki.
Absent: Councilmembers Brame and Powers. (The Municipal Clerk advised that Mr. Brame is out of town this evening, and Mr. Powers is expected in shortly.)

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

Special Proclamations, Recognitions and Presentations

“Presentation by Dennis Waters, Township Historian
“Lawrence History Month”

Mr. Waters greeted everyone and stated as always what a pleasure it is to give the Council an update on the Historian’s plans and upcoming events for October which is "Lawrence Township History Month", and that it has been a busy time so he will just provide a quick summary. He indicated one major milestone this year was the publication of the "Lawrence Township Revisited" book by The Historical Society and Arcadia Press, and for their work on the book Laura Nawrocik and Ashley Morris will receive the Podmoore Dwyer History Award from the Growth & Redevelopment Committee at their annual breakfast next month. And, another significant development

has been the installation of signs and other historical interpretations of the Pole Farm at Mercer Meadows with most of the display near the parking lot at Keefe Road; a project that was done by the County and is really worth the trip as they were able to make good use of a number of images and photos that he collected while researching the site a few years ago. Next, he will be helping to train the County Park Rangers so that they can be knowledgeable about the history of the Pole Farm and as part of Lawrence History Month he will present a revised version of his original lecture supplemented with many new photos and documents and one of the joys of unlocking the story of the Pole Farm has been the many offers of fresh materials he has received from people whose personal or family history was tied to that site.

Mr. Waters advised that 2013 is the 175th Anniversary of the creation of Mercer County and he has been working with the county's 175th Anniversary Committee in planning programs and in August they had a very successful program on Mercer County Architecture at The Lawrenceville School and next month Friday, October 4th they will present a symposium called "Mercer Makes Innovation and Technology in the Capital County" at TCNJ, details on that can be found at the mercer175.org website. Also, 2013 marks the 200th Anniversary of the death in battle of the town's namesake, Captain James Lawrence, and they had planned to have a Captain Lawrence re-enactor as part of Memorial Day Parade but the weather got the better of them. However, the Captain will be at The Historical Society's table during Community Day on Sunday, October 6th. In addition, they are continuing to try and get the younger generation engaged with the history of Lawrence this spring and his colleague, Dan Ben-Asher, and he hosted their Second Annual Township History Tour for all three hundred of the 4th Graders at the Lawrence Intermediate School and to increase their interest this year The Historical Society is adopting a mascot, which will be one of the Brearley House bats; a "Name the Bat Contest" is underway at all the elementary schools and kids will be able to vote for their favorite name at Community Day. And, as part of history month, naturalist Richard Dutko will give a presentation on the bats of the Brearley House on Sunday, October 27th just in time for Halloween.

Mr. Waters stated in a couple of other quick notes they were able to successfully complete their project with Rutgers University to digitize all of the Township's residential sub-division site plans going back to the 19th Century and presented Jim Parvesse, Township Engineer, with disk drive containing almost 300 high resolution scans. Also, The Historical Society has again been awarded \$10,000 in general operating support grants, \$5,000 a year for two years from the New Jersey Historical Commission; and, one unfortunate bit of news is the situation that is unchanged from when he updated the Council last year is that the State's project to repair the damage caused to the Port Mercer Canal House by Hurricane Irene is not yet underway; but, they do have a plan and they were told the work would be done. However, they still do not have a firm timetable. And, looking ahead to history month he already mentioned Community Day, the Pole Farm talk and the Brearley House bat presentation and the other notable event will be the 10th Annual Mary Tanner Lecture presented in cooperation with the Rider University History Club, which will take place at Rider, Sunday, October 13th and the speaker will be Professor John Fea of Messiah College and his topic will be "New Jersey Presbyterians and the American Revolution", and stated today Lawrence is a

marvelously diverse community; but the fact that a town of 30,000 people can support three Presbyterians congregations bears roots to the 17th Century founders of Maidenhead, and Professor Fea does not think that earlier Presbyterians in New Jersey get enough credit for their role in the American Revolution and he will try to correct that oversight next month.

Mr. Waters advised that he handed out a complete list of history month activities and looking ahead The Historical Society plans to submit a grant request to the Lawrence Township Community Foundation for funds to create a historical display in the Municipal Building to be placed on the blank wall opposite the Engineering Office... so stay tuned on that one. Also, the anniversaries keep coming, as 2014 will be the 350th Anniversary of New Jersey and there will be many events statewide. In conjunction with this locally The Historical Society is developing a publishing plan to bring out a series of short essays on different aspects of Township history and stated he would be happy to answer any questions there or online and thanked the Council or their time and continued support of Lawrence local history.

Public Participation (5-minute limitation per speaker)

Mr. Joseph Mislán, 4 Sunset Road, resident of Lawrence for 43 years spoke about the law that governs municipalities as it relates to the Local Budget Law, NJSA: 40A:4.1 and the law being translated to the public in a honest, clear and user friendly way He further discussed the Township inserting their leadership to benefit the taxpayer by using a user friendly clear spreadsheet for financial reporting similar to what other forms of government use as well as referencing the number of the budget law when they are speaking on a matter that is governed by Statute. He also suggested that they use an outside firm to do their financial accounting and reporting so it would be more transparent to the taxpayers.

Mayor Kownacki stated for clarification purposes an independent firm performs an Annual Municipal Audit of the financial records of Lawrence Township, and after the Audit is complete the Audit Report is forwarded to the Township Council for review and approval. A synopsis of that report is also published in the local newspaper and forwarded to the Director of the Division of Local Government Services and the Local Finance Board along with the adopted Resolution. Additionally, a summary of the Audit is published in a local newspaper and the Report is also posted on the Township's website; so, the information is available to the public. He further advised that he will reach out to the Township Attorney and the Township Manager to get some clarification on what he means with regards to having them reference law numbers/sections when discussing the budget.

Mr. Steven Hodges, 5 Mark Cermele Court, stated he knows property taxes in the community have been a dominating issue and through his travels for work he visits several municipalities in New Jersey and one day during lunch in Marlboro Township he saw a big sign for a program that said Shop Marlboro!, which is essentially an incentive program to have in-town residents spend money at the local businesses on goods and services and as a result the town keeps track of the purchases with a keycard similar to what is issued at CVS and based on the amount spent the property owner receives a reduction in their property taxes. So, he thought it was good information to share with the Council just in case they are not familiar with such a program and decide they would like to implement such a program to help with property tax relief. He then distributed a printout about the Property Tax Rewards Program to the Municipal Clerk for distribution.

Ms. Lewis advised that Lawrence Township does have an Incentive Program that runs through Lawrenceville Main Street and other businesses in town and it has a keycard similar to what was described; but it had not been very popular because they have not had enough residents who want to participate. Nonetheless, she encourages him to shop in Lawrence and take a look at the existing program as well.

Mr. Hodges' explained that the program in Marlboro Township is run through a local bank and is self-funding so whatever the rebates are 80-percent goes to property tax reduction and 20-percent to the management fees to fund the program... so again it seems like a win-win with no money out of the Township's pocket and money in the taxpayers pocket. Some discussion followed relative to service fees to the merchants.

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

Review and Revisions of Agenda

The Municipal Manager requested that the Agenda be amended to include additional items of discussion for Closed Session (17-I), Personnel and Contract Negotiations with a private party.

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

Same was carried on the following roll call vote:

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

Adoption of Minutes

On a motion by Mr. Powers, seconded by Mayor Kownacki, the Minutes of Regular Meeting of February 19, 2013 were approved without correction.

Same was carried on the following roll call vote:

Ayes: Councilmember Maffei, Powers and Mayor Kownacki.
Nays: None.
Absent: Councilman Brame.
Abstain: Councilwoman Lewis.

~~~

On a motion by Ms. Lewis, seconded by Mr. Powers, the Minutes of Regular Meeting of March 5, 2013 were approved without correction.

Same was carried on the following roll call vote:

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

---

#### Awarding and/or Rejecting of Bids

There were no bid awards.

---

#### Introduction of Ordinances

There was no introduction of ordinances.

---

Adoption of Ordinances

Mayor Kownacki read by title an ordinance entitled, "AN ORDINANCE OF THE TOWNSHIP OF LAWRENCE AMENDING ARTICLE 1 OF CHAPTER 15 OF THE CODE OF THE TOWNSHIP OF LAWRENCE, NEW JERSEY – Public Nuisance"

Mr. Krawczun stated that the Ordinance authorizes the creation and adoption of a public nuisance ordinance that will prohibit certain public actions and regulate public consumption of alcoholic beverages in town. The Ordinance will not affect any religious rituals nor will it affect a parent or child relation; but if there is a public consumption of alcohol or violation of the regulated activities there can be penalties that will be at the discretion of the Municipal Court.

Mr. Powers stated that the Ordinance is an effective tool for the prosecutor to use as it broadens the scope for him/her to exercise with discretion a downgrade of a disorderly conduct offense, which would be permanent record.

There being no one else who wished to comment on the ordinance, Mayor Kownacki closed Public Participation.

Ordinance No. 2164 -13

AN ORDINANCE OF THE TOWNSHIP OF LAWRENCE AMENDING  
ARTICLE I OF CHAPTER 15 OF THE CODE OF THE  
TOWNSHIP OF LAWRENCE, NEW JERSEY

BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey that Article I of Chapter 15, entitled "Offenses – Miscellaneous" of The Code of the Township of Lawrence, New Jersey ("CODE") is hereby amended and supplemented as follows:

Section 1.

Section 15-8 entitled Public Nuisance, shall be added to the Code and shall read as follows:

Sec. 15-8. Public Nuisance

- A. No person shall, within the boundaries of the Township, by any means or instrumentality:
  - 1. Interfere with or annoy the comfort or general well-being of the inhabitants of the Township;
  - 2. Disturb the public peace and quiet by loud, boisterous or vulgar conduct;

3. Create or participate in a diversion, disturbance or disorderly assemblage, in any public place, tending to breach the peace;
  4. Engage in acts of vice and immorality in any public place; or
  5. Obstruct or interfere with any person lawfully being in a public place.
- B. Penalty.

The penalty for the first violation of this section shall be a fine not to exceed two thousand dollars (\$2,000) and/or a period of community service not to exceed thirty (30) days; for a subsequent offense within a one year period from the initial violation, the penalty shall be a fine not to exceed two thousand dollars (\$2,000) and/or a period of community service not to exceed sixty (60) days.

## Section 2.

### Section 15-9 Consumption of Alcoholic Beverages

A. Definition.

For the purposes of this Section, alcoholic beverages shall be defined as: any fluid or solid capable of being converted into a fluid, suitable for human consumption, and having an alcohol content of more than one-half of one per centum (1/2 of 1%) by volume, including alcohol, beer, lager beer, ale, porter, naturally fermented wine, treated wine, blended wine, fortified wine, sparkling wine, distilled liquors, blended distilled liquors and any brewed, fermented or distilled liquors fit for use for beverage purposes or any mixture of the same, and fruit juices.

B. Prohibition.

1. No person of legal age shall consume or possess in any open container any alcoholic beverage in or upon any public or quasi-public place, including, but not limited to, any public street, alley, sidewalk, mall, park, playground, public conveyance, parking facility or in or around any public building. For the purposes of this Section, a quasi-public area shall be defined as that portion of private land which has been made open to the public for their use and enjoyment by the owners of said lands in connection with zoning approvals, dedication of said lands or similar means, and where the Township Council, upon written application from the owner of said lands, determined that the provision of this Section be made applicable thereto.
2. No person shall consume any alcoholic beverage in or upon any private vehicle while it is parked upon any such public or quasi-public place.

3. No underage person, which shall be defined as a person being under the age of 21, shall possess or consume any alcoholic beverage in or upon any private property located within the boundaries of the Township.

C. Exceptions.

Nothing herein shall be construed to prohibit:

1. The possession or consumption of alcoholic beverages within or upon premises duly licensed for the consumption of alcoholic beverages;
2. The possession, distribution or consumption of alcoholic beverages in any public park, recreation area, public building, or other public area in connection with any organized function or social affair for which express prior permission has been received in writing from the Township Council upon prior notice and subject to any terms and restrictions relating to the public safety and the general welfare of the Township;
3. The possession or consumption of alcoholic beverage by underage persons in connection with a religious observance, ceremony or rite;
4. The possession of an alcoholic beverage by underage persons in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post-secondary educational institution;
5. The possession or consumption of alcoholic beverages by underage persons in the presence of and with the permission of a parent, guardian or relative who has attained the legal age, which shall be defined as any person 21 years of age or older, to purchase and consume alcoholic beverages.

D. Penalty.

The penalty for the first violation of this Section shall be a fine not to exceed two thousand dollars (\$2000) and/or a period of community service not to exceed thirty (30) days; for a subsequent offense within a one year period from the initial violation, the penalty shall be a fine not to exceed two thousand dollars (\$2000) and/or a period of community service not to exceed sixty (60) days.

Section 3.

Sections 15-10 through 15-19 of the Code shall remain reserved.

Section 4.

This ordinance shall take effect twenty (20) days after passage.



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

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

---

**Manager’s Report –**

Mr. Krawczun submitted invoice listings for the month of September 2013 in the amount of \$688,317.75.

Mr. Krawczun advised that the Costco Project Application that was scheduled to go before the Planning Board on September 16<sup>th</sup> was rescheduled and a Special Meeting will be held on September 30<sup>th</sup> in Town Hall at 7:00 p.m. to review the application.

---

**Attorney’s Report –**

There was no Attorney’s report.

---

**Clerk’s Report –**

There was no Clerk’s report.

---

**Old Business –**

There was no old business.

---

**New Business –**

There was no new business.

---

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

There was no public participation.

---

Resolutions

Resolution Nos. 296-13 (17-A) thru 303-13 (17-J) were approved by the following roll call vote:

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

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

---

**Council Initiatives/Liaison Reports –**

There were no Liaison reports.

---

**Written Communications –**

There was no written communication.

---

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

6:58 p.m.

Respectfully submitted by,

\_\_\_\_\_  
Kathleen S. Norcia, Municipal Clerk

Attest:

\_\_\_\_\_  
James S. Kownacki, Mayor