

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

April 22, 2009

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Wednesday, April 22, 2009, at 7:00 P.M.

The meeting was opened with a Prayer and Pledge of Allegiance, led by Municipal Clerk.

At the commencement of the meeting Mayor Mount read the following statement of proper notice:

“Adequate notice of this meeting of the Lawrence Township Council being held on Wednesday, April 22, 2009, 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: Councilman Bostock, Miller, Powers, Puliti, Mayor Mount.  
Absent: None.

Also, in attendance were Richard S. Krawczun, Municipal Manager, and Kevin Nerwinski, Esq., Municipal Attorney.

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Proclamations and Honors

Mr. Powers stated they are very lucky to have two Board members from Autism New Jersey present at tonight’s meeting with their children, Mr. Tim Hitzel and his son David and Ms. Kathy Moore and her son Kevin.

Mayor Mount then read the following Proclamation into record declaring the month of April as “Autism Awareness Month”:

***Proclamation***

*WHEREAS*, autism is a pervasive developmental disorder affecting the social, learning and behavioral skills of those affected by it; and,

*WHEREAS*, autism was once thought to be a relatively rare disorder, affecting only one in 10,000 people; and

*WHEREAS*, as more and more health professionals become proficient in diagnosing autism, more children are being diagnosed on the autistic spectrum, resulting in rates as high as one in 166 children; and

*WHEREAS*, while there is no cure for autism, it is well documented that if individuals with autism receive treatment early in their lives, it often is possible for those individuals to lead significantly improved lives; and

*WHEREAS*, The New Jersey Center for Outreach and Services for the Autism Community (COSAC) is spearheading an awareness effort in order to educate parents, professionals and the general public about autism and its effects,

*NOW, THEREFORE, BE IT RESOLVED* that I, Pamela H. Mount, on behalf of the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, do hereby proclaim April 2009 as

## ***AUTISM AWARENESS MONTH***

*in the Township of Lawrence and urge all employees and residents to participate in our municipality's Autism Awareness Month activities in order to become better educated on the subject of autistic spectrum disorders.*

Mr. Tim Hitzel indicated Kathy and he used to be Board members for what was called The New Jersey Center for Outreach and Services for Autism Community (COSAC), but they just recently went through a name change and are now known as Autism New Jersey.

Mr. Hitzel advised on June 13<sup>th</sup> they are going to be having a Bicycle Ride for Autism, which will be their Ninth Annual Bike ride that takes place at Brookville Community College and all proceeds will be donated toward Autism in New Jersey.

Mr. Powers stated Mr. Hitzel is being very modest being he is a prolific fundraiser for Autism New Jersey and has raised tens of thousands of dollars for the cause, and in honor of his son David the name of his team is David's Training Wheels and anyone who would like to support this cause can log onto the website ([ride4autism.org](http://ride4autism.org)) and register or give a donation.

Mayor Mount thanked Mr. Hitzel for his comments and wished him and Ms. Moore "good luck" on their Annual Bike Ride and educational activities.

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Review and Revisions of Agenda

On a motion by Mr. Miller, seconded by Mr. Bostock, the Agenda was revised to move up the Public Hearing on Emergency Medical Services.

Same was carried on the following roll call vote:

Ayes: Councilman Bostock, Miller, Powers, Puliti, Mayor Mount.  
Nays: None.

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Public Hearing – Emergency Medical Services

Prior to the public hearing, Mr. Miller stated he has some good news to share and indicated over the past several months Mr. Bostock and he have been meeting with the Trustees of the Lawrence First Aid Squad to discuss the possible use of the building on Pilla Avenue for Emergency Services and because the Township is considering 24/7 in-house Emergency Medical Services the Trustees have agreed to turn the building over to Lawrence Township for a legal transaction of one dollar.

Mr. Miller stated this is fantastic news... especially after being advised by Mr. Krawczun on Monday that it would cost approximately three quarters of a million dollars to construct a new building to house the service. The Trustees are now in the process of preparing the building and making some of the necessary modifications so that it is functional for the EMT's; a process that keeps in spirit with the Squad's Constitution that was established in 1947 with respect to providing Emergency Services. Now, they are using that very building that was erected in 1962 for that exclusive purpose.

Mr. Miller reiterated again how "fantastic" it was for the three remaining Trustees - Marie Tagliaferri, Dean Acquaviva and Kenny Kandrak to turn the building over to the Township. A short discussion followed relative to the legalities of transferring ownership to the Township.

Mayor Mount advised that the Public Input Meeting that was scheduled for last Thursday, April 16<sup>th</sup> was cancelled due to Mr. Bostock inability to attend.

Mr. Bostock thanked the Mayor for rescheduling the meeting and indicated when they originally chose that date he was unaware that his son was being inducted into the National Honor Society that same day; an occasion he did not want to miss.

Mr. Bostock indicated he originally asked for a delay in the meeting time, but was advised by Mr. Puliti who has been through the process before, that he should be present for the full meeting; so, he would also like to publicly thank Mr. Puliti for his sound advice and his colleagues for their understanding.

Mayor Mount then opened Public Participation for anyone who would like to address the Council on the issue of the Township providing 24/7 Emergency Services.

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

**Council's Comments on Emergency Medical Services:**

Mr. Puliti stated he feels the Township is moving in the right direction with respect to taking over their own emergency medical services instead of having Capital Health serve the community, as the services will be better for the residents and cheaper in cost.

Mr. Bostock echoed Mr. Puliti's comments relative to the Township converting to full-time emergency services and indicated no resident should have to worry about whether they can afford an ambulance when they feel the need to call one and proceeded to discuss the current billing system.

Mayor Mount advised as they move forward with the process a business plan of the ambulance services will be put in place with respect to hiring, schedules, duties, etc.

Mr. Miller stated a couple of years ago this same item was discussed with regards to the Township providing 24/7 emergency ambulance services and the possibility of the services turning into a profitable cost venture, and although the first year they are looking at a negative \$100,000 to provide these services, they have the continuity of the EMT professionals who will be providing high-quality services to the residents of Lawrence. In addition, he felt both the Police Chief and Mr. Krawczun brought forward conservative cost estimates with respect to the billing.

Mr. Miller also stated based on the estimates he is confident that the Township is going to see this venture as a profit center that will not only cover salaries, but also cover the supplies, pensions and the health benefits; however, if the service does not turn out to be profitable for the Township then they should make sure they at least break even. In addition, this venture will also give the residents of Lawrence peace of mind with regards to emergency

services. Some discussion followed regarding the cost, profitability and public safety concerns relative to the endeavor.

Mr. Krawczun advised the Council that the Administration has started the process in anticipation of their choice of service and the time constraints as the contract with Capital Health System is scheduled to end June 1<sup>st</sup>. Further, they will notice during budget discussions that the plan has already been implemented as part of the 2009 Municipal Budget.

Mr. Krawczun stated the Administration is very appreciative and pleased with the fact that the First Aid Squad has decided to relinquish the building to the Township for the purpose of housing the operation of Emergency Services. That is extremely helpful being they will need to expand the EMT staff and find storage to house the vehicles.

Mr. Krawczun also stated he clearly agrees with the Council on the emergency services issue and would like to point out two things. First, back in 2007 when the decision was made to change services they were all in agreement to award the contract to Capital Health System for 2-years to test the services and from a functioning standpoint they have not had any problems with their performance. Second, the decision to change emergency services is not a negative reflection upon Capital Health System services or employees just a business decision for Lawrence Township.

Mr. Bostock stated the First Aid Volunteer Squad and their members have served the Lawrence Township community for 60 years. They were organized in 1946 and were chartered in 1947 and answered emergency calls all the way to 2007, and over that 60-year period they provided outstanding service to residents of the Township. So, he hopes when the time comes after everything is in order that the Township could have a ceremony recognizing everyone who served on the First Aid Squad over the years and still live in town to express their appreciation. Some discussion followed relative to honoring the history of the First Aid Squad and the rededication of the building.

Mr. Krawczun stated as backdrop to the conversations that took place at the January 20<sup>th</sup> meeting concerning potential changes in the level of employment with regards to existing employees, he feels it is important to recognize that the hiring of the additional EMT staff is supported by revenues generated from the service and that the service is actually a reduction on the need for taxation to support the operation as it currently exists. So, he does not want anyone leaving tonight's meeting with any misconceptions regarding the Township's prior consideration to reduce departmental staff and the hiring of new employees, a service that will generate revenue. A short question and answer session took place relative to professional paramedic training for paid EMT employees and volunteers.

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Public Participation

There was no public participation.

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Adoption of Minutes

On a motion by Mr. Bostock, seconded by Mr. Puliti, the Minutes of the Regular Meetings of February 17, 2009, were approved without corrections.

Same was carried on the following roll call vote:

Ayes: Councilman Bostock, Miller, Powers, Puliti, Mayor Mount.  
Nays: None.

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On a motion by Mr. Puliti, seconded by Mr. Miller, the Minutes of the Regular Meetings of March 3, 2009, were approved without corrections.

Same was carried on the following roll call vote:

Ayes: Councilman Miller, Powers, Puliti, Mayor Mount.  
Nays: None.  
Abstain: Councilman Bostock.

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On a motion by Mr. Puliti, seconded by Mr. Powers, the Minutes of the Closed Session Meeting on March 31, 2009, were approved without corrections.

Same was carried on the following roll call vote:

Ayes: Councilman Bostock, Miller, Powers, Puliti, Mayor Mount.  
Nays: None.

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Introduction of Ordinances

Mayor Mount read by title an ordinance entitled, "AN ORDINANCE AMENDING CHAPTER 10 OF THE ADMINISTRATIVE CODE OF THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, STATE OF NEW JERSEY ENTITLED 'ACT OF LITTER PROHIBITED'."

Mr. Krawczun stated on March 1<sup>st</sup> the New Jersey Department of Environmental Protection approved the Township's Stormwater Management Plan and the conditions of that approval required that two ordinances be adopted by Town Council which includes Ordinance 7A that requires dumpster/refuse containers to be covered at all times to prevent spillage or leakage onto surrounding surfaces of the drainage area, and Ordinance 7B that will mandate that storm water inlets on private roads be subject to the same retrofitting as inlets on public roads. Additionally, the Health, Police and/or Engineering Departments will enforce the ordinance. A short discussion took place surrounding the reasons for the new regulations.

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

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Bostock	X						X
Mr. Miller	X						
Mr. Powers	X					X	
Mr. Puliti	X						
Mayor Mount	X						

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Mayor Mount read by title an ordinance entitled, "AN ORDINANCE AMENDING CHAPTER 10 OF THE ADMINISTRATIVE CODE OF THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, STATE OF NEW JERSEY ENTITLED 'PRIVATE STORM DRAIN RETROFITTING'."

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

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Bostock	X						X
Mr. Miller	X						
Mr. Powers	X					X	
Mr. Puliti	X						
Mayor Mount	X						

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Mayor Mount read by title an ordinance entitled, “AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER.”

Mr. Krawczun stated the Ordinance would allow for an establishment of a ‘Cap Bank’ and is an authorized appropriation under the Local Budget Law, and the law limits an increase of 2.5% or the Cost of Living Adjustment, whichever is less. The law also permits the Governing Body to increase the permitted “CAP” to 3.5% to be used in the current budget year or if the full amount is not appropriated it can be ‘banked’ for future use in the next two budget years.

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

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Bostock	X						X
Mr. Miller	X						
Mr. Powers	X					X	
Mr. Puliti	X						
Mayor Mount	X						

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Mayor Mount read by title an ordinance entitled, “AN ORDINANCE OF LAWRENCE TOWNSHIP AMENDING THE LAND USE ORDINANCE OF LAWRENCE TOWNSHIP – COAH FEES.”

Mr. Krawczun advised that Lawrence Township is one of the first municipalities in the State of New Jersey to have a Third Round Plan and Certification, and part of that plan includes two ordinances both which are listed on the Agenda. The first Ordinance addresses Third Round Development and Non-Residential Development fees – fees that are placed into the Affordable Housing Trust Fund and used for Affordable Housing Programs. The Ordinance also addresses some of the requirements such as how the fees are recorded and reported to COAH.

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

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Bostock	X						X
Mr. Miller	X						
Mr. Powers	X					X	
Mr. Puliti	X						
Mayor Mount	X						



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Mayor Mount read by title an ordinance entitled, "THIRD ROUND FAIR SHARE ORDINANCE OF THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER."

Mr. Krawczun advised that this Ordinance addresses the Administrative section of the Affordable Housing Program – such as the establishment of rent, prices of the affordable units, income levels, the amount of units that are to be set aside for low/moderate income families and individuals, as well as, the approval process for participation in the program.

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

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Bostock	X						
Mr. Miller	X						
Mr. Powers	X					X	
Mr. Puliti	X						X
Mayor Mount	X						

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Mayor Mount read by title an ordinance entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 1441-95 ENTITLED 'AN ORDINANCE AMENDING CHAPTER 6A OF THE LAWRENCE TOWNSHIP ADMINSTRATIVE CODE ENTITLED FEES: THE CONSOLIDATED LICENSE, PERMIT AND FEE CHAPTER'."

Mr. Krawczun stated the Ordinance would increase the fees associated with the review of plans and issuance of permits that are undertaken by the Construction Code Department. They anticipate that the increased fees will generate additional revenues for balancing of the 2009 Municipal Budget.

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

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Bostock	X						X
Mr. Miller	X						
Mr. Powers	X					X	
Mr. Puliti	X						
Mayor Mount	X						

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Resolutions

Resolution Nos. 174-09 thru –187-09 (8A-8N) were approved by the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Bostock	X					X	
Mr. Miller	X						
Mr. Powers	X						
Mr. Puliti	X						X
Mayor Mount	X						

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

Mr. Powers acknowledged Resolution 8-I, the appointment of Michael Pratico to the Growth & Redevelopment Committee for a 3-year term.

Mayor Mount elaborated on Resolution 8-J regarding the submission of an application to DOT for the Transportation Enhancement ARRA (Economic Recovery) Program for the Princeton Pike Bike Lanes.

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Awarding or Rejecting of Bids

**Cell Tower Matter** – A lengthy discussion took place between the people in the audience and the Council regarding the Resolution Authorizing Awarding of Re-Bid of Bid No. 09-04, Land Lease for Construction and Operation of Communications Facility which would authorize the leasing and locating of cellular communication towers at the Carter Road site.

Prior to the discussion, Mr. Krawczun explained that the bid was a matter that was re-bid after the initial bid was rejected and on March 31<sup>st</sup> they received four bids. After careful review of all the bids, CWL Realty, LLC, who was the highest responsible bidder, was awarded the bid in the amount of \$33,000 for the annual rent for the land lease. In addition, they have agreed to share a prorated amount with Lawrence Township receiving forty-five percent (45%) if space is leased to additional cell carriers.

Mr. Krawczun further advised that on April 14<sup>th</sup> the Township received a signed Order from Judge Feinberg indicating that the Zoning Board matter (Cellco vs. Lawrence Township Zoning Board) was denied and the complaint in its entirety was dismissed. Additionally, there will be no additional Closed Sessions required by the Court on the matter.

Mr. Powers stated, "Once again, Lawrence Township Zoning Board has been vindicated by a Court of Law."

The following individuals then voiced their concerns and objections to the erection of the Cell Towers on Carter Road.

1. Mr. Leonard DiDonato, 2 Tall Timbers Dr., Chair of the Carter Rd. Homeowners Assoc.
2. Ms. Cristina Casole, 22 Larkspur Ln., Rep. for the parents of BMS Daycare Ctr.
3. Mr. David Augeri, 107 Carter Rd., Lawrence Township Resident
4. Mr. Steven Rudnick, 111 Carter Rd., Lawrence Township Resident
5. Ms. Noemi de la Puente, 122 Carter Rd., Lawrence Resident (Supporter of Peterson's site)
6. Mr. Eric Wimmers, 4 Tall Timbers Dr., Lawrence Resident (Supporter of Peterson's site)

### **Town Council & Municipal Manager's Comments on the Cell Tower Matter**

Mr. Krawczun addressed the general response relative to the nonuse and removal of the cell towers, protection of towers with respect to height clearance, the bid award to the successful bidder and other performance issues surrounding to the construction of the cell towers.

Mr. Krawczun further addressed the concerns that were raised with respect to the legal fees that were paid to David Roskos, Planning Board Attorney, who represented Lawrence Township on the matter.

Mr. Powers indicated when he was on the Planning Board they had a similar situation with the big 'McMansion' houses that were being built in older communities. And, during those discussions the residents came out to voice their outrage and objection to those types of homes being built in their neighborhoods; but under the law the developers had the right to build those houses and the Board had no basis to deny the applications.

Mr. Powers further indicated that cell towers already exist throughout Lawrence Township and questioned where was the "outrage" when those cell towers were being located at various sites within the Township?

Mr. Powers stated that the Council might be a little more sympathetic to the "not in my backyard" arguments if this was the first cell tower being placed in Lawrence Township; but it is not. There are many others sites that exist throughout the Township and proceeded to elaborate in detail on the issue and various sites.

Mr. Puliti thanked everyone for coming out and voicing their opinion on the issue and proceeded to echoed Mr. Powers' comments with regards to the

15 cell towers that exist in Lawrence Township, as well as, the five that are currently located in residential neighborhoods. For example: Darrah Lane, Gordon and Hughes Avenues.

Mr. Puliti further addressed the comments that were made in reference to the intended use of the Carter Road site and advised that the cell towers are going to supplement the 'gap' in communications for ambulance, police and fire services in that area, as well as, generate revenue that would help support the volunteer fire companies. He then proceeded to outline some of the benefits of leasing the land for cell tower usage as opposed to the intended use of a fire station.

Mr. Bostock thanked everyone for coming out to the meeting tonight and indicated in 2008 when he was a fairly new to the Council and discussions were taking place relative to the process and the appropriateness of selecting one site over another he made his views and opposition on the matter pretty much known with no disrespect intended toward anyone's opinion on the matter.

Mr. Bostock advised there were two sites, the Carter Road and the Peterson's site, and no matter what way the Council chose to vote someone was going to be unhappy. Therefore, the most important thing they all can do is make sure the process is as open, transparent and fair as possible so that when a decision is rendered on the matter people will feel as though they have had their fair share of justice. He then proceeded to elaborate in detail on the decision-making process with respect to each Councilmember's view and conclusion on the matter.

Mr. Miller advised that he would not be reiterating the prior remarks, but indicated a lot of good points were made during discussions on the issue and now it essentially comes down to the process and one sticking to his or her principles on the matter.

Mr. Miller stated that he does have some concerns with the process and he has not heard anything tonight that will change his views with respect to awarding the bid for the Carter Road site, because he feels the Peterson's' site is better suited for the cell towers, as it would have less of an impact on residential areas with respect to radio waves existence or non-existence and property values, as well as, better coverage. So, not to belabor the issue further he would be voting "no" on the matter.

Mayor Mount asked if there were any more comments from the public. There being none. Mayor Mount asked if there were any more comments from the Council. There being none, public participation was closed.

On motion by Mr. Powers, seconded by Mr. Puliti the following resolution was presented for adoption:

Resolution No. 188-09

WHEREAS, on March 31, 2009, bids were received for Re-Bid #1 of Bid No. 09-04, Land Lease for Construction and Operation of Communications Facility; and

WHEREAS, the bids were reviewed by the Township Manager and Township Attorney; and

WHEREAS, the highest responsible bidder is CWL Realty, LLC, 14 Ridgedale Avenue, Suite 103, Cedar Knolls NJ 07927, who submitted a bid in the amount of \$33,000 for the annual rent for the land lease;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that the Township is hereby authorized to enter into a lease agreement with CWL Realty, LLC, in the amount of \$33,000 for the annual rent for the land lease.

Same was carried on the following roll call vote:

- Ayes: Councilman Powers, Puliti, Mayor Mount.
- Nays: Councilman Bostock, Miller.

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Introduction of 2009 Municipal Budget

Resolution No. 188A-09 was approved by the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Bostock	X					X	
Mr. Miller	X						
Mr. Powers	X						
Mr. Puliti	X						X
Mayor Mount	X						

Mr. Krawczun advised that at the last meeting he was asked by the Governing Body to go back and make some changes to the 2009 Municipal Budget to include the elimination of layoffs and reduce the proposed tax increase from 3 cents to 1 cent, so he has prepared a budget that accomplished both of those requests, as well as, the inclusion of staffing and operational services for a full-time ambulance services to begin on June 1, 2009.

Mr. Krawczun stated before the Council takes any formal action on the budget he would like to review the Budget Variances that were made since the recommended budget was presented in January and the suggested introduction for tonight. He then asked if the Council would like for him to proceed with the detailed reconciliation of changes to the appropriations/revenue side of the budget which are the increases and decreases that balance the budget as required statutorily under the Local Budget Law.

An at length discussion took place relative to the enactment and revenues generated by furloughs, level of service, cancellation of appropriations and the reserve, future negotiations with bargaining units to help offset the 2010 budget, capital budget and the usage of taxpayers dollars for the Carson Woods Bike Trail (LHT).

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Adoption of Ordinances

Mayor Mount read by title an ordinance entitled, "BOND ORDINANCE PROVIDING FOR THE DYSON TRACT REMEDIATION AND BY THE TOWNSHIP OF LAWRENCE IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$4,250,575 AND AUTHORIZING THE ISSUANCE OF \$1,165,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST."

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

Ordinance No. 2008-09

BOND ORDINANCE PROVIDING FOR THE DYSON TRACT REMEDIATION IN AND BY THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$4,250,575 AND AUTHORIZING THE ISSUANCE OF \$1,165,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Lawrence, in the County of Mercer, New Jersey (the "Township") as a general

improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$4,250,575, including a grant in the amount \$3,085,575 from the New Jersey Department of Environmental Protection's *Hazardous Discharge Site Remediation Fund*. No down payment is required pursuant to N.J.S.A. 40A:2-11(c) as the purpose and obligations authorized herein are to be funded through the *New Jersey Environmental Infrastructure Trust Financing Program*.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,165,000 pursuant to the *Local Bond Law*. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the *Local Bond Law*.

Section 3. (a) The improvement hereby authorized and the purpose for the financing is to undertake the Dyson Tract Remediation work, including all work and materials necessary or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation made herein.

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

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

capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,165,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$300,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of



the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The Ordinance 2008-09 was adopted on the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Bostock	X					X	
Mr. Miller	X						
Mr. Powers	X						
Mr. Puliti	X						X
Mayor Mount	X						

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**Manager’s Report –**

Mr. Krawczun submitted an invoice listing for the month of March 2009 in the amount of \$813,081.33.

Mr. Krawczun advised that he has nothing to report as they have already discussed the two items he had planned to discuss in his report; the Introduction of the 2009 Municipal Budget and Emergency Medical Services.

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**Attorney’s Report –**

There was no Attorney’s report.

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**Clerk’s Report –**

Mrs. Norcia reminded the Council to return the Budget Books at their leisure so that they can be reused for next year.

Mrs. Norcia also voiced her disappointment with the exceedingly low voter turnout for the School Board Election that took place yesterday. A short discussion followed concerning alternatives to eliminate the low turnout.

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**Council Initiatives/Liaison Reports**

Councilman Miller’s report:

Mr. Miller stated the Lawrence Neighborhood Service Center, Eggerts Crossing Village and Homefront are all working together in a joint venture in hopes of getting the Service Center in a much better fiscal position to benefit that area. So, hopefully, they will have some good news to report on that endeavor by May 5<sup>th</sup>. Further, he would like to both thank and praise all of the Board members of the three groups for putting their differences aside and working together to help out an area of town that needs service.

A brief discussion followed relative to an invitation that was sent to the Town Council inviting them to the fundraiser at the Service Center stamp-dated on April 9<sup>th</sup>, but was not received by Council until the April 17<sup>th</sup> with their Agenda Book. After the discussion, it was unanimous amongst the Council for all of their mail to be opened unless it is addressed **personal** or **confidential** to avoid future mishaps.

Councilman Powers’ report:

Mr. Powers stated that the Growth & Redevelopment Committee went on the road and met at Heritage Village and advised how truly amazing the facility is and urged all of the Council to go and preview the facility for themselves. They also had their official ribbon cutting ceremony this week where Mayor Mount and Commissioner Doria, Head of Department of Community Affairs, were in attendance.

Mr. Powers continued to elaborate in detail on DOT’s redevelopment plans for Brunswick Pike and the future plans for the commercial area at Heritage Village.

Mr. Powers advised that they had a good turnout at the Little League opening ceremonies and the Lawrence High School rededication ceremony that also had a very good turnout and a lot of input from the community.

Mr. Powers stated that the Shade Tree Commission was very pleased to see the rededication of the Memorial plaques and ‘hats off’ to the Superintendent in terms of making sure the plaques were displayed in a prominent place right in front of the high school.

Mr. Powers thanked the Mayor, Councilman Puliti and Freeholder Colavita for attending the Troop Day at the Armory fundraiser, an event that help to raise almost \$40,000 for the National Guard Family Readiness Council.

Mr. Powers stated he distributed fliers about the Human Relations Committee “Diversity Day” event scheduled for May 3<sup>rd</sup> at the Senior Center from 12 Noon to 4:00 p.m., and indicated although the economy is down they will still have lots of food and fun thanks to the local restaurants helping out with donations which they are appreciative of and the Chinese acts that are scheduled to take place at this years event.

Councilman Bostock’s report:

Mr. Bostock had no Liaison report.

Councilman Puliti’s report:

Mr. Puliti stated he has no Liaison report being it’s the end of the month and none of Committees have met; but, he would like to reiterate Mr. Powers’ comments relative to the “great” turnout at Troop Day, as well as, the phenomenal rededication ceremony at the Lawrence High School.

Mayor’s Mount report:

Mayor Mount reported on the following items listed on “What’s the Mayor Been Up To” flier and a few upcoming events:

1. Meeting with Jennifer from the Truck and Traffic Committee regarding large trucks that travel along the Route 206 corridor. (Correction – Senator Lautenburg was not in attendance)
2. Informational meetings that Mr. Krawczun and she had with BMS and The Lawrenceville School.
3. Lawrence Township Green Team meeting and Sustainable Jersey Certification Program.
4. Earth Day event scheduled for Saturday, April 25<sup>th</sup> at 12:00 Noon at the Nature Center.

- 5. Sustainable Lawrence working on a Conference at Rider University – no set date.
- 6. Lawrenceville Main Street Annual Jubilee scheduled for Sunday, April 26<sup>th</sup> at Noon.
- 7. Press Conference - Tuesday, April 28<sup>th</sup> at St. Lawrence Rehabilitation Center regarding a Pilot Program they are launching with the Lawrence Township Police Department that will give children positive Tickets for practicing bike safety and can be redeemed for pizza, ice cream, donuts, etc. at Terhune Orchard, Varsity Pizza or the Ice Cream Shop.

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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.

9:29 P.M.

Respectfully submitted by,

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Kathleen S. Norcia, Municipal Clerk

Attest:

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Pamela H. Mount, Mayor