

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

February 17, 2009

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, February 17, 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 Tuesday, February 17, 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: Councilmen Bostock, Miller, Powers, Puliti, Mayor Mount.
Absent: None.

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

Proclamations and Honors

Mayor Mount read the following Proclamations for the record in honor of Read Across America-NJ Day and Black History Month:

Proclamation

WHEREAS, the citizens of Lawrence Township stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for American's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, Lawrence Township has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that

educational investment is key to the community's well-being and long-term quality of life; and

WHEREAS, NEA's Read Across America, a national celebration of reading, will be conducted on March 2, 2009, which would have been the 105th birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, Read Across America-New Jersey is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, Saturn-UAW, and their local affiliates across the state, to promote reading and adult involvement in the education of our community's students;

NOW, THEREFORE, I, Pamela H. Mount, Mayor, on behalf of the Lawrence Township Council in the County of Mercer, State of New Jersey do hereby proclaim March 2, 2009 as

READ ACROSS AMERICA AND READ ACROSS AMERICA-NJ

and call upon the citizens of Lawrence Township to assure that every child is in a safe place reading together with a caring adult on March 2, 2009; and

BE IT FURTHER RESOLVED, that this body enthusiastically endorses NEA's Read Across America and Read Across America-NJ and recommits our community to engage in programs and activities to make America's children the best readers in the world.

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PROCLAMATION

WHEREAS, in 1976, Black History Month was formally adopted to honor and affirm the importance of Black History throughout our American experience; and

WHEREAS, the history of people of African heritage goes back thousands of years and includes some of the greatest, most advanced and innovative citizens in the history of human existence from which we can draw inspiration; and

WHEREAS, African Americans have played significant roles in the history of New Jersey State's economic, cultural, spiritual and political development while working tirelessly to maintain and promote their culture and history; and

WHEREAS, as a result of their determination, hard work, intelligence and perseverance, African Americans have made valuable and lasting contributions to Lawrence Township, Mercer County and the State of New Jersey, achieving exceptional success in all aspects of society including business, education, politics, science, and the arts; and

WHEREAS, Black History Month is a time for all Americans to remember the stories and teachings of those who helped build our nation, took a stance against

prejudice to build lives of dignity and opportunity, advanced the cause of civil rights, and strengthened families and communities; and

***WHEREAS**, during Black History Month all Americans are encouraged to reflect on past successes and challenges of African Americans and look to the future to continue to improve society so that we live up to the ideals of freedom, equality and justice;*

***NOW, THEREFORE**, I, Pamela H. Mount, Mayor, on behalf of the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey do hereby proclaim the month of February 2009 to be*

BLACK HISTORY MONTH

in Lawrence Township and encourage all residents to join with us in celebrating the achievements of African Americans and commit ourselves to raising awareness and appreciation of Black History Month by participating in educational events honoring Black Americans and the many contributions they have made to civilization throughout history.

Review and Revisions of Agenda

There were no revisions to the agenda.

Public Participation

Mr. Nicholas Mellis, 135 Harmony Avenue, voiced his opinion in regards to comments that were made in the Lawrence Ledger by some of Lawrence public officials regarding their disappointment in losing the “rat” case to the Supreme Court due to a judgment that the Township sign ordinance violated the union’s freedom of speech rights, and questioned how and why was so much money spent to defend a case that was obviously unconstitutional from the beginning as people have a right to protest peacefully anywhere in the United States.

Mr. Krawczun stated he could not comment on the matter as he does not have that information available at the present time.

Mr. Nerwinski advised that the matter was upheld in the Municipal Court, the State Superior Court and the Appellate Division prior to being presented to the Supreme Court, and that Lawrence Township did not make any appeals to further promote the case. It was just a matter of defending the Township’s sign ordinance and not the rights of free speech.

Mr. Steven Panter, 29 Springwood Drive, advised that he is a professional that has worked in the environmental industry for the past 30-years and he supports the removal of the dredged spoils at the Dyson Tract and proceeded to discuss the various reasons why he supports the remediation.

Ms. Eleanor Horne, 35 Dix Lane, stated she is a resident of Lawrence Township and the Co-President of the Lawrence-Hopewell Trail Corporation and she would like to address some of the same issues as the previous speaker relative to the Dyson Tract and the environmental concerns.

Ms. Horne indicated that the Lawrence-Hopewell Trail Corporation could not be more pleased with the Council for being vigilant in finding ways to remediate the environmental spoils deposited at the Dyson Tract and they applaud the plan for full remediation because it gives the Township and the residents maximum flexibility in making use of the Dyson Tract which is a beautiful piece of land.

Mr. Falk Engle, 10 Barnett Road, addressed the Council concerning the Township's sign ordinance that was found to be in violation of the First Amendment rights to free speech and advised that he has come up with some proposals for the Council to review that he believes will be constructive to their codification of the ordinance.

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

Budget Presentations

Paul Catanese, Municipal Court Judge, Budget Presentation:

Prior to providing his budget report Judge Catanese stated he feels it is important for the Council to understand the goals of the Court and what they expect to accomplish which is to provide fair and quality service to all who appear before them, a combination that is known as justice, and in order to provide those services they need resources which is funding provided by the Township.

Judge Catanese then proceeded with an in-depth review of his 2009 Budget Report for Council's review and consideration relative to quality services and the economic times, additional staff and required equipment, his staff and their day-to-day functions with regard to criminal, domestic and motor vehicle violations. He also provided an extensive review of his role and duties as the

Judge of the Lawrence Township Court to include some of his additional responsibilities.

A short discussion took place relative to Judge Catanese's presentation, after which Mayor Mount and the Council all thanked and gave closing remarks to Judge Catanese's outstanding track record and his diligent service to Lawrence Township.

Gregory Whitehead, Director of Public Works Budget Presentation:

Mr. Whitehead advised that he would briefly go through each Division budget as it applies to Public Works and give a short breakdown of the types of services that each Division provides to the community. He further advised that he would be reviewing some of their past initiatives and tasks with respect to creating the 2009 Budget which will include some small cost saving measures that could provide a substantial savings overall.

Mr. Whitehead proceeded with an detailed report relative to their plans to reduce cost by initiating things such as surplus sales online instead of paying a vendor to auction items, using compact fluorescent lights in municipal facilities and parks, installing motion detectors in public restrooms, refurbishing old equipment, purchasing a hybrid fleet and using synthetic oil to reduce the number of oil changes needed, changing to tires that are more tread efficient that would be more cost-effective to their tire replacement program , as well as, their fuel cost.

Mr. Whitehead stated that they also removed a pickup truck from the budget for about a \$35,000 savings and they will be refurbishing an old pickup truck in-house that was scheduled to go out to surplus. He then proceeded to discuss the plan in detail and indicated that the items he just reviewed might not save a lot at the present time but will certainly be part of a larger savings in the future.

Mr. Whitehead concluded his presentation with an in-depth review of his 2009 Budget Report for Council's review and consideration that included an extensive report on his staff, departmental duties and initiatives, expenditures and shared services for each Division of the Public Works Department to include some of the services and projects that were accomplished in 2008, as well as, future projects for 2009.

Some discussion took place relative to the budget presentation. Afterwards, Mayor Mount and Council thanked and commended Mr. Whitehead and the Public Works Department for the wonderful job they do in the Township.

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Mr. Puliti stated that he would like to discuss one more budget item, and indicated that he is not a supporter of a one-shot revenue source. But, after careful review of the budget and given the economic times he thinks they should take advantage of any additional source of revenues. So, in light of that, he asked the Municipal Clerk to do some research regarding ABC Licenses to see if the Township qualified for any package goods licenses that could be put out to bid and sold for a profit.

Mr. Puliti advised that Mrs. Norcia have the information he requested concerning the licensing process that will be distributed to Council for them to review, entertain and possibly have some dialogue on at the next meeting with respect to selling an alcoholic beverage license which he feels would be a great asset in making up for some of the loss in revenue they are experiencing. Some discussion followed relative to the proposal.

Adoption of Minutes

On a motion by Mr. Bostock, seconded by Mayor Mount, the revised Minutes of the Regular Meeting December 16, 2008 were approved with corrections.

Mr. Puliti advised that he would be abstaining from the roll call vote being he was not present at the meeting.

The Municipal Clerk advised Mr. Puliti that he does not have to abstain from the roll call, because all he would be voting is that he has read, understands and is in agreement with the information in the Minutes.

Same was carried on the following roll call vote:

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

Introduction of Ordinances

There was no introduction of ordinances.

Resolutions

Prior to the roll call vote, a lengthy discussion took place amongst the Council as to how pleased they are with the course of action being taken with regards to the design documents and remediation of the dredge materials at the Dyson Tract, in addition to the application and loan process from the New Jersey Environmental Infrastructure Financing Program.

Resolution Nos. 90-09 (8A) thru 111-09 (8V)) 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.

Awarding or Rejecting of Bids

There was no award or rejection of bids.

Adoption of Ordinances

There were no ordinances of adoption.

Manager's Report –

Mr. Krawczun submitted an invoice listing for the month of January 2009 in the amount of \$931,215.48.

Mr. Krawczun reported on a joint meeting that took place Thursday, February 12th between various municipalities, Mercer County and a 501C3 organization called EASEL who is currently operating and assisting with the Ewing Township Animal Shelter.

Mr. Krawczun stated they gave a presentation proposing shared services for a joint County-wide animal shelter which, hopefully, either Mercer County or the State of New Jersey could find a conveniently-located piece of property along

the I-95 Corridor that would allow as many municipalities as possible to use and assist in the operation of the facility.

Mr. Krawczun proceeded to review of the plan and asked the consensus of the Council as to whether it wished for him to write a letter of interest in support of the project pending the knowledge of the financial obligation to Lawrence Township. After a short discussion, it was the consensus of the Council for Mr. Krawczun to proceed.

Mr. Krawczun reported on February 10th they received two bids for the leasing of the Carter Road site for the construction of the cell towers. One bid was from ATA of Philadelphia for an annual amount of \$12,000 and the second bid was from Cellco for an annual bid of \$30,000. But, advised that the bids are still under review because of some additional language regarding "exceptions" submitted in Cellco's bid package.

Attorney's Report –

Mr. Nerwinski stated he would like to clarify a proclamation that was put forward by someone with respect to the "rat case" and Lawrence Township pursuing the case in order to stop free will of speech and indicated he would like to emphasize to the Council that was not their intention nor what they set out to accomplish, and when the case first started in Municipal Court they had no idea that it would evolve into such national importance and end up in the New Jersey Supreme Court.

Mr. Nerwinski stated the Township's only concern was to try to protect the municipality's right to preserve the aesthetics and the public safety aspect of the community; but, on the other side there was an intense desire to protect the use of the inflatable rat as a symbol of Union's unrest. So, the collision of the two, which is something that has never occurred in this country, was the cause for the unusual Court ruling.

Mr. Nerwinski proceeded to discuss the case and the Supreme Court's ruling in detail, as well as, their plans to modify the section of the sign ordinance that was declared unconstitutional. A brief discussion followed.

Clerk's Report –

There was no Clerk's report.

Council Initiatives/Liaison Reports –

Mayor Mount’s report:

Mayor Mount stated she distributed information concerning the Lawrence Township Community Foundation sponsoring a community conversation meeting.

Councilman Puliti’s report:

Mr. Puliti stated he does not know how the stimulus money will trickle down to Lawrence Township, but they still have the ongoing saga relative to the sound barriers along Interstate 95, and asked that a letter be sent from the Mayor’s desk to the Commissioner of the Department of Transportation and Local and Federal Legislators regarding the matter. A short discussion took place relative to the distribution of the stimulus monies.

There were no additional Liaison’s reports.

Written Communications –

There was no written communication.

Old Business –

There was no old business.

New Business –

A short discussion took place relative to Mr. Powers’ proposal of amending membership language for the Growth and Redevelopment Committee with respect to the wording regarding private sector members doing business in Lawrence Township as opposed to the current language provided in the ordinance. There was some additional discussion regarding the definition and the new language that should be incorporated into the ordinance.

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

9:41 P.M.

Respectfully submitted by,

Kathleen S. Norcia, Municipal Clerk

Attest:

Pamela H. Mount, Mayor