

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

January 6, 2009

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, January 6, 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, January 6, 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, Mayor Mount.
Absent: None.

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

Proclamations and Honors

There were no proclamations or honors.

Review and Revisions of Agenda

Mr. Nerwinski advised that he would be providing an update on the Saturn Chemical Company litigation in the Closed Session.

Public Participation

Mrs. Linda Dlabik, 1358 Lawrence Road, stated when she left the December 16th meeting she had a feeling that there would be some confrontation concerning the vacancy on Council. So, for that very reason, she chose not to attend the Reorganization Meeting on January 1st.

Mrs. Dlabik further stated that she was very disappointed that the Council did not take this opportunity to do something out of the ordinary and appoint a person whose party affiliation is Independent (unaffiliated) to the position. Especially, since two of the members that reside on Council support the proposal of campaign contributions being publicly funded, which was one of the pros presented during the Clean Elections meetings.

Mrs. Dlabik indicated the idea was to get an unaffiliated member on Council so that no one party would have control and proceeded to elaborate regarding the proposal as well as providing her opinion on an unaffiliated party presiding on Council.

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

Adoption of Minutes

There were no minutes for adoption.

Introduction of Ordinances

Mayor Mount read by title an ordinance entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES OF THE TOWNSHIP OF LAWRENCE, NEW JERSEY IN ORDER TO ESTABLISH THE POSITION OF 'ANIMAL CRUELTY INVESTIGATOR'."

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						X
Mr. Powers	X					X	
Mayor Mount	X						

Resolutions

Resolution Nos. 23-09 (8A) thru 37-09 (8O)) 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					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

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

Resolution No. 38-09

WHEREAS, on December 23, 2008, bids were received for Re-Bid #2 of Bid No. 08-21, Central Park Restroom Facility/Site Work; and

WHEREAS, five bids were received and reviewed by the Municipal Manager and the lowest responsible bidder is Adamsville Maintenance, Inc., 548 East Main Street, Bound Brook NJ 08805, who submitted a bid in the amount of \$68,874; and

WHEREAS, in accordance with N.J.A.C. 5:30-14, a Certificate of Availability of Funds has been provided and the account to be charged is C-04-55-308-254 (Renovate Restroom Facility);

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that the Township is hereby authorized to award Re-Bid #2 of Bid 08-21, Central Park Restroom Facility/Site Work, to Adamsville Maintenance, Inc., in the amount of \$68,874.

Same was carried on the following roll call vote:

Ayes: Councilmen Bostock, Miller, Powers, Mayor Mount.
 Nays: None.

Adoption of Ordinances

There were no ordinances of adoption.

Manager's Report –

Mr. Krawczun submitted the Investment Reports for August, September, October and November 2008.

Mr. Krawczun distributed copies of draft for the Council's review of the Princeton Avenue and Spruce Street Study recommendations that will be presented on January 29th at a public meeting at the Mercer County Extension Service by the County Planning Board.

Mr. Krawczun indicated that the Mercer Crossing area has been under review for sometime now and most recently the County was able to enter into a contract with Benjamin Harris to make recommendations on improvements, and that the Council would be pleased to know that the improvements addressed are very doable solutions that are very easily implemented and phased.

Mayor Mount stated that she and Mr. Krawczun have been attending meetings concerning the Mercer Crossing area for a number of years now, and this latest planning effort by the County is probably the fourth or fifth generation of bringing forth ideas and they are now getting down to some really practical solutions for the various problems that have been discovered through these discussions.

Mayor Mount advised that the whole planning process has been the effort of three towns – Ewing, Trenton and Lawrence - meeting and collaborating together on a resolution as to what to do about the redevelopment of the Spruce Street area which is not only great because they now have the report; but, because of the hard work of the three towns to come together and agree on things which made the experience great and the project worthwhile.

Mr. Krawczun gave a brief update on the Pit Stop location and reported that NJDOT has contracted with an environmental firm to prepare a Remedial Action Plan as well as investigational work for the site. A brief discussion took place relative to notifying the Eldridge Park Civic Association of the latest update.

Mr. Krawczun reported on a letter that was sent from NJDOT regarding the intersection of Route 206 and Darrah Lane and advised that the DVRPC had

done a study of intersections along Route 206 from the Brunswick Circle to the border of Princeton and from that study one of the recommendations was to install a traffic light at that intersection. So, based on DVRPC recommendation, the Administration submitted a request to NJDOT and received a response advising that the intersection qualifies for a traffic signal. However, the Township would have to cover 25% percent of the cost.

Mr. Krawczun advised that the project would cost approximately \$150,000 to \$200,000 and the Township obligation would be around \$37,500 to \$50,000, and it is his recommendation that the project be included in the 2009 budget, as part of the Capital Improvement Plan.

Attorney's Report –

There was no Attorney's report.

Clerk's Report –

There was no Clerk's report.

Written Communications –

There was no written communication.

**Discussion Relative to Appointments to Boards and Committees and
Vacancy on Township Council**

Mr. Powers advised Mayor Mount that they received (2) new Planning Board applications - one from John Gladwell and the other from Michelle Tkacs, but they have not had the opportunity to interview those individuals, which is traditionally done in closed session.

Mr. Powers further discussed the level of bipartisanship between the Councilmembers as it relates to interviewing the nominees to fill the vacancy on Council, the process regarding interviews for Boards and Committees positions, alternative forms of government – partisan vs. non-partisan, municipal election season with respect to political tactics, past and present practice with regards to being respectful and courteous to those who come before the Council to include the nominees for the vacant Council position.

Afterwards, Mr. Powers suggested they “table” the board appointments and address the issue of filling the Council vacancy first, because all three of the nominees presently serve on various Boards/Committees and if one of them is selected it would create multiple vacancies on the boards.

Mr. Miller stated with respect to Mr. Powers’ comments, if there are any no brainier vacancies that could be filled without impacting the 3 nominees then they should move forward with those appointments as there are more people applying for positions than vacancies that exist.

Mr. Miller further stated Independent candidates can run for office in Lawrence Township and advised that Nick Mellis ran for Council as a candidate for the Green Party 1997, so that proves that someone other than Democrats or Republicans can run for office. He then proceeded to discuss other known individuals who ran for Town Council as Independent candidates over the years.

Mr. Miller indicated he shares the same views as his colleague Mr. Bostock with respect to not being a proponent of the Clean Elections campaign contributions proposal because of the cost and the economic situation. In addition, he feels the Clean Elections report lacked substance and did not provide him with a clear sense of understanding from the supported side, but a much clearer sense on the anti side because of the bullet point layout.

Mr. Miller advised of a letter he wrote pointing out some of Mr. Powers’ inaccuracies during the campaign season and in the past, which he felt was warranted. He then proceeded to reiterate some of his earlier remarks relative to the board appointments and vacancies.

A lengthy discussion followed relative to the nominee being appointed to Council and the impact it would have with respect to creating prospective vacancies as well as a suitable plan to proceed with the appointment process. Discussion followed as whether or not they should move forward with the appointment process or wait for the fifth Councilperson to participate in the process.

Afterwards, Mr. Miller responded to Mr. Powers’ comments with regards to the candidates feeling disrespected because he and Mr. Bostock did not attend the meeting scheduled to interview the candidates that resulted in a cancellation due to a lack of a quorum.

Mr. Miller stated there was no disrespect intended and both Mr. Krawczun and Mrs. Norcia were notified that he and Mr. Bostock would not be attendance the meeting due to prior commitments and their objection to the appointment process which was laid out in a letter submitted from the both of them.

Mr. Miller then proceeded to discuss different techniques that have been used to fill vacancies on town council such as the one that was used by West Windsor and the Board of Education.

Mayor Mount advised that West Windsor Township has a non-partisan form of government so their appointment process is different and in order with their form of government.

Mayor Mount further advised that she had an opportunity to speak with Michael Herbert, West Windsor Attorney, who assured her the situation was different and that Lawrence Township is using the proper process to fill the vacancy as they are a partisan form of government.

Some discussion took place relative to the primary election and selection process for committee people chosen by the Democrat and Republican Party.

Mr. Bostock stated so far he and Mr. Miller have only received the Democrat nominees' names and because they take this selection process very seriously, they would like for the candidates to submit a resume and a statement of candidacy as well as have an open interview process to help them select the best candidate for the position.

Mr. Bostock proceeded to discuss his views relative to the Boards and Committees appointments and Council's responsibility as duly elected officials to fill those vacancies in an open process. He also discussed the votes that each of the nominees received and the unity that needs to take place among the Council in order to appoint one of those potential candidates.

Some discussion took place amongst the Council relative to the original meeting date that was set up and the nominees feeling snubbed by Mr. Bostock and Mr. Miller as well as some suggestions as to the proper manner in which the situation could have been handled.

Mayor Mount read a section of the guidelines under the Administrative Code that governs the process to fill a vacancy and advised that there is no mention or requirement by law that a candidate needs to submit a resume, essay, have an interview or an open public hearing. She then proceeded to discuss her interpretation of the law and her perception of what took place between the Councilmembers with regards to the process from beginning to date.

Some discussion and clarification took place relative to Mayor Mount's comments regarding communication of meeting dates and times between Mr.

Bostock, Mr. Miller and herself as well as the possibility that the meeting date could have been changed to accommodate Mr. Bostock's and Miller's schedules.

Afterwards, Mr. Miller briefly provided his perspective on the remarks that were made relative to the nominees feeling disrespected by him and Mr. Bostock for their nonattendance at the interview session.

In closing, Mayor Mount suggested she and Mr. Powers will go back to the Democrat Committee and the candidates and discuss the views that were expressed at tonight's meeting to see if they can come up with a plan to proceed. And, if they are unable to come to an agreement then they should follow the 30-day process as stipulated in the law.

Old Business –

Mr. Bostock discussed some feedback and concerns he received from people who are non-Christian believers or of a different faith that were taken aback by the Benediction that was given at the Reorganization Meeting and advised for the future that they should emphasize to the person that is chosen to give the Benediction to be sensitive to the diversity of religions in the community.

New Business –

There was no new business.

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

7:58 P.M.

Respectfully submitted by,

Kathleen S. Norcia, Municipal Clerk

Attest:

Pamela H. Mount, Mayor