

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

January 20, 2009

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, January 20, 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 20, 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

A member of the Garden Gate Garden Club presented the Garden Gate Garden Club Beautification Award to Acacia in honor and recognition of their outstanding efforts to improve the appearance of the community.

Mayor Mount congratulated Acacia Restaurant on its success and the outstanding service they provide in helping to build the reputation of Lawrence Township as a place of destination for a dining experience.

Review and Revisions of Agenda

Mr. Bostock requested that the December 16th Regular Meeting Minutes be moved from the Agenda for adoption and revised to include more detail of the discussion surrounding Mr. Holmes' resignation and the creation of the vacancy on Council.

Mr. Powers requested that Item 11 - Appointment to Fill the Vacancy on Township Council be moved up on the Agenda, as it is listed toward the end of the Agenda and there are people in audience waiting on a decision with regard to whether or not the vacancy will be filled tonight.

Mr. Krawczun advised that an Executive Session would be needed for the purpose of labor negotiations.

On a motion by Mr. Powers, seconded by Mr. Miller, the Agenda was revised to 'table' 6D, December 16, 2008 Minutes, and to move Item 11, Appointment to Fill the Vacancy on Township Council, on the Agenda to after Public Participation.

Same was carried on the following roll call vote:

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

Public Participation

Mr. Falk Engle, 10 Barnett Road, thanked the Council for allowing the public participation and interviews for the vacancy on Town Council to proceed, which he indicated is a witness to democracy in a town hall format of openness and candor. He further thanked the three candidates who made themselves available and spoke at great length with articulate explanations to their candidacy.

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

Appointment to Fill the Vacancy on Township Council

Mr. Powers stated that they are all in uncharted territory in terms of the vacancy, which does not occur frequently and hopefully does not happen again, but his recommendation would be for the Governing Body to take a step back

and figure out the qualities they are looking for in the candidate that is chosen to fill the vacancy on Council.

Mr. Powers proceeded to discuss the qualifications regarding the (3) three nominees as it relates to the selection process, as well as some of the concerns that were raised by his Republican colleagues relative to the candidate having experience in various areas – such as the municipal budget, finance, public safety, public speaking, in addition, to the will of the people as it relates to the candidate going through the election process which are all criteria that the candidate should have in order to serve on Council.

Mr. Powers advised that Mr. Holmes' resignation not only created a vacancy on Council, but it also created a gap in terms of diversity geographically, being most of the members on the Council live in the northern end of Lawrence which now makes him the southern most member on Council being he lives in Pine Knoll which is considered to be centrally located in Lawrence. So, in order to maintain some diversity on the Council he is glad that the three nominees are from the southern part of the Township where he grew up.

Mr. Powers also discussed some other criteria that is important for the candidate to possess such as experience in leadership, as well as Planning Board experience, so that if they are ever called upon to make a decision regarding land use they are able to do so.

Mr. Powers stated that people tend to underestimate the time commitment that is required of a Councilmember as they must serve on multiple advisory committees in addition to their Council duties. So, the list of criteria that he just discussed should help them get started with the evaluation and selection process.

Mr. Bostock stated the criteria that his colleague Mr. Powers identified are a good set to start with and he had no presumption that the Democratic Committee would provide them with a list of unqualified individuals to serve on Council. So, after having the opportunity to meet with each of the candidates today his presumption was correct as he feels all of the candidates are qualified to fill the position.

Mr. Bostock proceeded to echo some of Mr. Power's earlier comments relative to the humbling feeling that a candidate experiences when he/she has been through an election process to include some of the criterion for the chosen candidate.

Mr. Miller stated he would again like to thank the three nominees for coming out and affording them the opportunity to speak and learn more about them, which was a very special process that he hopes they never have to go

through again, and advised it's been about forty years or more since they last had a resignation on Council.

Mr. Miller further stated that the process for him was very helpful in getting a better understanding of each candidate's viewpoint and how each one of them would help the rest of the Council guide the Township for the next several months.

Mr. Powers advised that Mr. Puliti is a three-time Mayor and has gone through the hoops of the election process three times and two out of those three times he was the top vote getter. So, in terms, of the will of the people he was elected not once; but, three times by the citizens of Lawrence.

Mr. Powers further advised that Mr. Puliti was also chosen by the Democratic Committee, an elected group of people, to fill the vacancy which shows the tremendous amount of respect they have in his ability to serve. So, he would be very reluctant to disturb that democratic process.

In closing, Mr. Powers stated with no disrespect intended toward the other two nominees he is nominating Mr. Puliti to fill the vacancy on Council because of his expertise and past experience on the Council.

Mayor Mount seconded the nomination for Mr. Puliti to fill the vacancy on Council.

Mr. Dember took a few moments to further review the nomination process for multiple nominees after some questions were raised with respect to nominating another candidate to fill the vacancy.

After further review, Mr. Dember stated it appears that they can have more than one motion on the floor at the same time, but advised that the motions must be simultaneous and each of the motions would have to be voted on by the Council.

Mr. Bostock proceeded to discuss the last campaign season and Municipal election results and advised that Mr. Kownacki is one out of the few nominees that has recently offered himself to the voters and ran for election in the Township, and in his opinion, he ran a good and honorable campaign.

Mr. Bostock further advised if a few people changed their minds and voted for him, Mr. Kownacki would be sitting on Council instead of him. So, he is nominating Mr. Kownacki to fill the vacancy on Council because he feels Mr. Kownacki has demonstrated the ability and necessary experience to serve on Council.

Mr. Miller seconded the nomination for Mr. Kownacki to fill the vacancy on Council.

Mr. Miller moved to close the nominations for Council, seconded by Mr. Bostock.

Mayor Mount stated they appreciated the process they have gone through this entire month and it is unfortunate that they cannot come to a unanimous decision on a candidate. But, she is sure the stewardship of the Democratic Committee will render a candidate that will be suitable and will fit into the governing function well.

Mayor Mount proceeded to elaborate on Mr. Puliti being the preferred name of the Democratic Committee to fill the vacancy on Council, and the Governing Body's duty to follow the law according to the municipal and state Statutes.

Some discussion followed relative to selection process of the nominees and some case laws referenced in the Statute.

There being no other nominations, the Municipal Clerk declared the nominations as closed and proceeded with the following roll call votes in alphabetical order.

The roll call vote for Mr. Kownacki:

RECORD OF VOTE

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

The roll call vote for Mr. Puliti:

RECORD OF VOTE

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

Mayor Mount stated she is truly disappointed that the Council could not come to a consensus on the appointment to fill the vacancy on Council.

Mr. Powers made a motion for reconsideration and stated his plea as to why he feels they should try to come to a consensus on the appointment tonight.

After some discussion relative to Boards and Committees and the attendance records for the Recreation Advisory Committee, Mr. Powers' asked the Municipal Clerk to obtain the requested information and call a special meeting before the January 27th deadline, so that they could try an act on matter prior to it being forwarded back to the Municipal Committee.

Mayor Mount stated there might be some hope after all that the Council may be able to come to a conclusion regarding the matter between now and January 27th, which indicates they are keeping an open mind.

Mayor Mount also stated the Council's appreciation for the three nominees who put themselves out there more than once for this entire process and proceeded to review the process if they are still unable to come to a consensus on the issue by the deadline.

The Council then thanked all the nominees for their time and participation in the process.

Adoption of Minutes

On a motion by Mr. Powers, seconded by Mr. Bostock, the Minutes of the Regular Meeting October 21, 2008 were approved with corrections.

Same was carried on the following roll call vote:

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

~~

On a motion by Mr. Powers, seconded by Mr. Bostock, the Minutes of the Regular Meeting November 6, 2008 were approved without corrections.

Same was carried on the following roll call vote:

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

~~

On a motion by Mr. Powers, seconded by Mr. Bostock, the Minutes of the Regular Meeting December 2, 2008 were approved without corrections.

Same was carried on the following roll call vote:

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

Introduction of Ordinances

Mayor Mount read by title an ordinance entitled, "AN ORDINANCE AMENDING CHAPTER 6A, 'FEES: THE CONSOLIDATED LICENSE, PERMIT AND FEE CHAPTER' OF THE LAWRENCE ADMINISTRATIVE CODE."

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	
Mayor Mount	X						

Mayor Mount read by title an ordinance entitled, "AN ORDINANCE AMENDING ORDINANCE NOS. 1876-06 AND 1976-08 ESTABLISHING RATES FOR SEWER SERVICES."

Mr. Krawczun advised that Lawrence Township collects sewer user fees for the Ewing-Lawrence Sewage Authority and they appropriate in the municipal budget the amount of funding they are billed by ELSA for that service which is used by residents and businesses. They also collect the fees for that usage, and they anticipate in 2009 that the amount billed by ELSA will increase by \$315,000 dollars to the residents, so they are recommending an (8%) eight percent rate increase to offset the cost.

Mr. Krawczun proceeded with an in-depth report on the proposed rate increase and the billing process.

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	
Mayor Mount	X						X

Resolutions

Resolution Nos. 40-09 (8A) thru 53-09 (8O)) were approved by the following roll call vote: (Note: Resolution No. 39-09 was removed from the Agenda prior to the meeting)

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

There were no award or rejection of bids.

Adoption 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'.

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. 1998-09

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'

WHEREAS, N.J.S.A. 4:19-15.6-b authorizes a municipality to appoint a certified animal cruelty investigator who shall have the powers and duties as described herein within the jurisdiction of the municipality; and

WHEREAS, the Township Council believes it is in the best interest of the Township of Lawrence to authorize the position of 'Animal Cruelty Investigator';

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lawrence, in the County of Mercer and State of New Jersey, that the Revised General Ordinances of the Township of Lawrence, New Jersey, are hereby amended and supplemented in order to establish a position of 'Animal Cruelty Investigator' as follows:

Animal Cruelty Investigator

Establishes; Appointment, Compensation. The position of Animal Cruelty Investigator is hereby created, and employment of a qualified person for that position is hereby authorized. The Animal Cruelty Investigator shall be appointed by the Township Council and shall receive such compensation as is provided by the ordinance or resolution of the Township Council.

Qualifications. The Animal Cruelty Investigator shall be certified pursuant to N.J.S.A. 4:19-15.16a.

Powers and Duties. The Animal Cruelty Investigator shall have the power and authority, within the jurisdiction of the Township of Lawrence, to:

- a. Enforce all laws or ordinances enacted for the protection of animals, including, but not limited to, animal control, animal welfare and animal cruelty laws of the State and ordinances of the Township;
- b. Investigate and sign complaints concerning any violation of an animal control, animal welfare or animal cruelty law of the State or ordinance of the Township and
- c. Act as an officer for detection, apprehension and arrest of offenders against the animal control, animal welfare and animal cruelty laws of the State and ordinances of the Township.

BE IT FURTHER ORDAINED that the provisions of this ordinance shall be severable. In the event any portion of this ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED that all other ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED that this ordinance shall take effect immediately upon final passage and publication in accordance with the law.

The Ordinance 1998-09 was adopted 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						

Appointments to Boards and Committees –

Mayor Mount stated since the Township Council could not come to a consensus on the appointment tonight to fill the vacancy on Council, she feels it would be inappropriate and unfair to appoint to the boards and committees without the new Councilperson who will also have to work with those individuals appointed and should be able to participate in the appointment process.

Mayor Mount further stated if the Council is able to come to a consensus prior to January 27th and someone is appointed on the 28th to fill the vacancy then they could call an emergency meeting to make the appointments to the boards and committees. She then asks for a consensus to “table” the appointments.

Mr. Miller objected to the Mayor’s suggestion surrounding the appointments to the boards and committees and proceeded to discuss the ratio between the applications received and the vacancies that exist on the boards and committees. He stated he does not see any harm in making the appointments tonight so the Council should just move forward on the matter.

A lengthy discussion took place among the Council with regards to the pros and the cons of making the board and committees appointments without a full Governing Body, as well as filling some of the slots that are unaffected by the vacancy.

After the discussion, it was decided to proceed with appointments to the non-statutory boards as follows:

AFFORDABLE HOUSING BOARD (Kevin Van Hise – 3-year term)

Resolution No. 54-09 was approved by the following roll call vote:

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

CABLE TELECOMMUNICATIONS ADVISORY COMMITTEE (Jane DeLung & N.S. Ramachandran – 4-year term)

Resolution No. 55-09 was approved by the following roll call vote:

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

CONSTRUCTION BOARD OF APPEALS (Richard Hocking, William Hart and Philip Paul – 4-year term)

Resolution No. 56-09 was approved by the following roll call vote:

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

ENVIRONMENTAL RESOURCES COMMITTEE (Ralph Copleman – 4-year term)

Resolution No. 57-09 was approved by the following roll call vote:

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

GREENWAY COMMITTEE (James Cordingley, Anne Demariais and Peter Wood – 3-year term)

Resolution No. 58-09 was approved by the following roll call vote:

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

GROWTH AND REDEVELOPMENT COMMITTEE (Cami Granahan, Ryan Kennedy and Michelle Sternfeld – 3-year term)

Resolution No. 59-09 was approved by the following roll call vote:

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

HEALTH ADVISORY BOARD (Anthony Brickman and Kevin McGuigan – 3-year term)

Resolution No. 60-09 was approved by the following roll call vote:

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

HISTORIC PRESERVATION COMMITTEE (Ruth Barringer, Michael Lavanga and Douglas Sargent – 4-year term)

Resolution No. 61-09 was approved by the following roll call vote:

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

HUMAN RELATIONS COMMITTEE (Richard McLaughlin – 3-year term)

Resolution No. 62-09 was approved by the following roll call vote:

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

OPEN SPACE AND STEWARDSHIP COMMITTEE (Laurie Emde – 2-year term)

Resolution No. 63-09 was approved by the following roll call vote:

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

PUBLIC SAFETY COMMITTEE (Rosanne Manghisi – 2-year term)

Resolution No. 64-09 was approved by the following roll call vote:

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

ROUTE 1 REDEVELOPMENT COMMITTEE (John Conroy and Dennis Norton – 3-year term)

Resolution No. 65-09 was approved by the following roll call vote:

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

SENIOR EXECUTIVE COMMITTEE (Cheng How Mao, Athene Kan and Kay Palazey – 3-year term)

Resolution No. 66-09 was approved by the following roll call vote:

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

SHADE TREE COMMITTEE (Edward Sproles and Rosmarie Clark – 3-year term)

Resolution No. 67-09 was approved by the following roll call vote:

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

Cited Resolutions are spread in their entirety in Resolution Book Volume No. 1 of the Township of Lawrence.

After the roll call vote, it was the consensus of the Council to have a special meeting with a tentative date of January 28th to finish up the appointments to the boards and committees, as well as, the interviews and final appointments for the Planning, Zoning and ELSA boards.

Manager’s Report –

Mr. Krawczun distributed copies of the recommended budget for Council to review and proceeded with an in-depth review of the budget process in addition to reading the 2009 Municipal Budget Recommendation Report.

Mr. Krawczun also advised that he received notification from the Division of Local Government Services that the statutory deadlines for the budget had been delayed by one month which gives the Administration some flexibility with respect to preparation.

A lengthy conversation took place relative to the Council’s decision-making process with respect to budgetary cuts and savings, flat State aid, tax rates and the economics of a tax increase, departmental budget presentations and creative ways to cover expenditures and increase revenues prior to adoption of the Municipal Budget.

Attorney’s Report –

There was no Attorney’s report.

Clerk’s Report –

There was no Clerk’s report.

Council Initiatives/Liaison Reports –

Mr. Miller had no liaison report.

Councilman Power’s report:

Mr. Powers stated he attended the January meeting of the Greater Eldridge Park Neighborhood Association (GEPNA) and they acknowledged how pleased they are with the proposed installation of the lighted crosswalks.

Mr. Powers stated they also had some dialogue relative to traffic problems on Darrah Lane, in addition to conflicting meeting dates with regards to the Council’s ability to attend the meetings, which prompted a change in the February meeting time to help accommodate the Council’s meeting schedule.

Mr. Powers reported that the Human Relations Committee met and they are still working on the plans for Diversity Day that is scheduled for May 3rd. Growth and Redevelopment Committee did not meet due to the delay in appointments being made.

Councilman Bostock's report:

Mr. Bostock stated that the Route 1 Redevelopment Committee met on January 11th, and they are working on finalizing the survey that will be used along the Route 1 Business Corridor from the Circle to Whitehead Road.

Mr. Bostock reported that the Environmental Resources Committee also met on one application that went before the Zoning Board and discussed applying for grants in which several of the members had some good creative ideas concerning the application process which he will share in greater detail at the next meeting.

Mr. Bostock advised last week the League of Municipalities had a Mayor's Day in Trenton and he had an opportunity during a Q & A session to get an update from the State Police regarding their enforcement and the number of summons that have been issued for truck violations of the National Network across the State of New Jersey.

Mr. Bostock further advised in a period of six months from June through November there were only twelve summonses issued to violators of the Network regulations and that he did have an opportunity to discuss that matter with the Governor who was also present and aware of the problem. He then proceeded to discuss the refinement of the law that would allow local police officers to enforce the regulation.

Mayor Mount's report:

Mayor Mount discussed her commitment as Mayor to attend functions and perform marriages upon request and advised that she has a list of "What's the Mayor Been Up To" available for anyone of interest to view. She then thanked everyone for coming out and attending the meeting.

Written Communications –

There was no written communication.

Old Business –

There was no old business

New Business –

There was no new business.

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

9:05 P.M.

Respectfully submitted by,

Kathleen S. Norcia, Municipal Clerk

Attest:

Pamela H. Mount, Mayor