

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

November 5, 2009

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Thursday, November 5, 2009, at 7:00 P.M.

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

Prior to opening the meeting, Mr. Miller asked for a moment of silence for Edward Converse, a former Councilmember who passed away, and for the men and women who were tragically killed today at Fort Hood, Texas.

Afterwards, Mayor Mount congratulated Mr. Kownacki and Mr. Puliti on winning the election to Council and thanked Mr. Miller for his many, many years of service on Township Council.

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 Thursday, November 5, 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.

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Proclamations and Honors

There were no honors or proclamations.

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Review and Revisions of Agenda

There were no revisions to the agenda.

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Public Participation

A. Intermediate School - Report on Walk This Way (Postponed)

Mayor Mount apologized for the postponement of the "Walk This Way" report due to schools being closed for the Teachers' Conference. So, they will be at the December 1<sup>st</sup> meeting along with Ms. Jane Milner to give their report on the safe walk to school program.

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Ms. Jenny Bigley, 3 Dustin Drive, stated she is the community chair for the Community Relations Committee of Lawrence Township Public Schools and advised that the American Cancer Society has asked Lawrence Township to host the "Relay for Life" which is a huge fundraiser and community wide event. Further, the event will be held on the property of Lawrence Township High School and they have asked ETS, as part of the business community, to host the fundraiser with the Township.

Ms. Bigley advised she had her first meeting with the Community Relations Committee and found out that the Township website does not have the icon link to "Relay for Life", and she looked on the Township's calendar and found that it does not have a link either.

Ms. Bigley proceeded to discuss the icon link that their Committee initiated which she advised is a "great" link of resources for the community, as it provides them with information on getting their teams together and fundraising. She then asked if there was any particular reason why the link was not put on the Township's website and offered various options with respect to getting it placed on the site.

Mr. Krawczun advised that the Cable Telecommunications Advisory Committee is in the process of reviewing the Township ordinance that will create policy for the use of the website. And, as of now, they have not included any non-profits on the website unless they are funded through the Township's budget and proceeded to elaborate in detail on the matter.

An at length discussion took place with regards to an icon link being placed on the Township website for non-profits, the existing link for the "Greater

Mercer Ride” program for seniors and the legality of governmental/non-governmental entities having a link on the website.

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

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Adoption of Minutes

Mr. Bostock stated a few months ago the Clerk’s Office did quite well with keeping up on the Regular Minutes of the Council, but now they are 3-months behind and he would like for them to be caught up, as it will enable the Council to review the Minutes more accurately being their memory of was discussed will be fresher in their minds.

On a motion by Mr. Bostock, seconded by Mr. Miller, the Minutes of the Regular Meeting of July 21, 2009 (corrected) were approved without correction.

Same was carried on the following roll call vote:

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

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On a motion by Mr. Bostock, seconded by Mr. Miller, the Minutes of the Regular Meeting of August 11, 2009 were approved without correction.

Same was carried on the following roll call vote:

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

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Introduction of Ordinances

Mayor Mount read by title an ordinance entitled, “BOND ORDINANCE AMENDING BOND ORDINANCE 1940-07 BY THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, STATE OF NEW JERSEY, IN ORDER TO REVISE THE DESCRIPTION OF THE IMPROVEMENT HEREIN”

Mr. Krawczun advised that both Ordinances (7A) and (7B) are being amended to expand the purposes for which they were intended when they were originally adopted in 2007 and 2008. And, that the bond proceeds for each of the ordinances will be reallocated to purchase police equipment. In addition, the grant funds that the Township received will reimburse for capital purchases previously authorized.

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, "BOND ORDINANCE AMENDING BOND ORDINANCE 1978-07 BY THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, STATE OF NEW JERSEY, IN ORDER TO REVISE THE DESCRIPTION OF THE IMPROVEMENT HEREIN"

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. 396-09 (8A) thru 413-09 (8R) with the exception of Resolution No. 411-09 were approved by the following roll call vote:

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

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

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Resolution No. 411-09 (8P) was approved by 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						

Cited Resolution is spread in its entirety in Resolution Book Volume No. 2 of the Township of Lawrence.

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Awarding or Rejecting of Bids

There was no award of bids.

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Adoption of Ordinances

Mayor Mount read by title an ordinance entitled, "REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE OUTSTANDING CALLABLE IMPROVEMENTS BONDS OF THE TOWNSHIP, DATED OCTOBER 1, 2001, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$10,000,000, APPROPRIATING \$6,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$6,000,000 REFUNDING BONDS OF THE TOWNSHIP FOR FINANCING THE COST THEREOF"

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. 2035-09

REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE OUTSTANDING CALLABLE IMPROVEMENT BONDS OF THE TOWNSHIP, DATED OCTOBER 1, 2001, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$10,000,000, APPROPRIATING \$6,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$6,000,000 REFUNDING BONDS OF THE TOWNSHIP FOR FINANCING THE COST THEREOF

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 Township of Lawrence, in the County of Mercer, New Jersey (the "Township") is hereby authorized to refund all or a portion of the outstanding bonds of the Township originally issued in the principal amount of \$10,000,000, dated October 1, 2001 (the "2001 Bonds"). The 2001 Bonds maturing on or after October 1, 2012 (the "Refunded Bonds") may be redeemed at the option of the Township in whole or in part on any date on or after October 1, 2011 (the "Redemption Date") at a redemption price equal to 100% of such Refunded Bonds, plus unpaid accrued interest, if any, to the Redemption Date.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable refunding bonds (the "Refunding Bonds") are hereby authorized to be issued in the aggregate principal amount not to exceed \$6,000,000 pursuant to the Local Bond Law of the State of New Jersey

Section 3. An aggregate amount not exceeding \$175,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of Refunding Bonds authorized herein.

Section 4. 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 \$6,000,000 amount of the Refunding Bonds authorized by this refunding bond ordinance and that an amount representing the \$5,300,000 principal amount of the bonds to be refunded will be deductible from gross debt. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

Section 5. The purpose of the refunding is to effect an interest cost savings for the Township.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the Mayor or the Chief Financial Officer of the Township as to the indebtedness to be financed by the issuance of the Refunding Bonds authorized herein.

Section 7. The Mayor, the Chief Financial Officer, the Township Clerk and other appropriate representatives of the Township are hereby authorized to prepare such documents, to publish such notices and to take such

other actions as are necessary or desirable to enable the Township to prepare for the sale and the issuance of the Refunding Bonds authorized herein and to provide for the redemption of the 2001 Bonds referred to in Section 1 hereof.

Section 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

The Ordinance 2035-09 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					X	
Mr. Puliti	X						
Mayor Mount	X						

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**Manager’s Report –**

Mr. Krawczun reported that the Mayor and he met with the biology professor and officials from Rider University to discuss their request to use a small section of the Loveless Nature Preserve so that they can perform some class experiments, benchmark certain conditions and record their findings.

Mr. Krawczun proceeded to ask the wishes of the Council with respect to granting the request. After a brief discussion relative to the types of experiments they plan to perform; it was the consensus of the Council to approve the request.

Mr. Krawczun distributed information regarding the Senior Center Renovation project and proceeded to discuss the following items: senior survey program, receipt/rejection of bids, various activities and meetings that take place at the center, improvement and renovation plans for the exterior and interior portion of the building, site work for additional parking spaces, construction management/change order estimates (\$55,000), Clarke Caton Hintz change order (\$6500), the projected cost of the project to include the County’ share (50% of \$731,900), and various other ordinances that were either reauthorized or amended to help fund the project.

An at length discussion took place relative to the total cost and construction timeline for the project, grant funding and appropriate usage of the funding, space renovations that would accommodate various programs and activities, additional handicapped spaces being added to the parking area, roof replacement, funding available through their participation in the energy audit program that would help offset some of the energy improvement expenses,

soliciting donations of furniture to help streamline some the interior cost. After the discussion it was the consensus of the Council for Mr. Krawczun to move forward with the process.

Mr. Krawczun reported that the Health Department conducted the first H1N1 Clinic at the Lawrence High School earlier today and between the District staff, Lawrence Township staff and the student nurses provided by Mercer County they administered 450 vaccinations and that the next clinic is taking place again at the High School on Saturday, November 7<sup>th</sup> from 10:00 a.m. to 1:00 p.m. for children ages 4 to 6.

Mr. Krawczun further reported in cooperation with the individual schools they have started a pre-registration system where forms are distributed and completed prior to the clinic dates and advised so far the process has been working very well. In addition, it helps speed up the organizational process and it gives them a better idea of how many people will be attending each clinic.

A short discussion followed relative to the intensive labor surrounding the operation, the process of ordering additional vaccines, clinic dates and posting information regarding vaccinations on the Township website.

Mr. Krawczun briefly reported on a decision that was made today by Mercer County Engineering Department to close the bridge on Van Kirk Road for emergency repairs and advised that further information is available on the Township's website. In addition, they have alerted Lawrence Township residents with the Reverse 911 System and have contacted BMS and ETS so that they could inform their workers of the situation. They will also have police presence at the location to redirect traffic. A short discussion followed relative to the issue.

Mr. Krawczun stated at the last meeting he recommended that the Council hold off on making a decision to cancel the November 24<sup>th</sup> meeting until he had an opportunity to speak with his staff regarding the need for budget transfers as they can only be done during the last three months of the year. He then advised that there is no need for transfers at the present time, so they can proceed with their decision. After some discussion relative to the budget, it was the consensus the Council to cancel the November 24<sup>th</sup> meeting.

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#### **Attorney's Report –**

Mr. Nerwinski updated the Council on the pending litigation (Toth vs. State of New Jersey) that he reported on early last year, where an individual on a motorcycle was seriously injured on Route 206 as a result of potholes and



Lawrence Township was listed as a defendant along with the State of New Jersey on the complaint.

Mr. Nerwinski advised that the litigation finally got to the point that he decided to file a Summary Judge of Motion which was granted last Friday. So, the Township is dismissed from the matter and out of the litigation.

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**Clerk’s Report –**

There was no Clerk’s report.

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**Written Communications –**

There was no written communications.

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**Old Business –**

Mr. Puliti stated he received a lot of questions last week concerning the Dyson Tract and he would like to clarify an item for the record and proceeded to state there seems to be a suburban legend out there that the Governing Body willfully polluted the Dyson Tract. He then indicated when the Township dredged Colonial Lake to get the spoils out they had to file a permit with the Department of Environmental Protection and in turn DEP granted them permission to place the dredgings onto the Dyson Tract with no restrictions for that property.

Mayor Mount further stated it is her recollection that even before they removed the spoils from the lake DEP took samples of the sludge and gave them approval to put the spoils close to the Dyson Tract so that it could dry out and they would not have to move the wet substance.

Mr. Bostock advised that he requested a copy of the permit from Mr. Krawczun a couple of years ago and that the permit DEP issued allowed the dredged spoils to be dumped on land that was being farmed, because at the time the permit was applied for the land had not yet been turned over to the Township; it was still owned by the Dyson Family Trust and identified as land that was being farmed.

Mr. Bostock further advised that the standards for dumping on a land that is being farmed are different from what is allowed to be dumped on preserved open space. So, the permit itself allowed the land to be farmed and

approximately six weeks later when the ownership of the land was transferred to the Township no one went back to DEP and requested that that the permit be amended.

Mr. Bostock indicated that the permit itself states if any facts having to do with the permit changes then the permit is invalid and must be reapplied for through DEP. So, when the land changed from being farmed to preserved open space someone should have checked with DEP to see if the standards were different given the fact... they were.

Mr. Nerwinski advised that the land was not being farmed so in truth there was no change in usage and argued that the one piece of paper states the requirements and the other states the reality and truth of the facts with regards to what is and what is not being farmed, and when the permit was issued the land was not being farmed. Therefore, there was no additional affirmative requirement for the Township to make a supplemental application.

Mr. Bostock proceeded to voice his opinion with regards to the standards and technicality of the land. A short discussion followed relative to his comments.

Mr. Puliti stated for the record he thinks it was only he and Councilman Miller on the Governing Body at time, and they did not willfully pollute the Dyson Tract property.

Mayor Mount advised that she was elected later to the Governing Body, but since she has been on Council they have been back numerous times to reevaluate the pile that was placed behind the Dyson Tract and proceeded to discuss the testing standards of the particles performed by DEP in recent years.

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**New Business –**

Mayor Mount stated next Wednesday, November 11<sup>th</sup>, is Veterans' Day and there will be a ceremony taking place at the American Legion Post #414 at 10:00 a.m. Further, the National Guard Armory is having a wonderful public concert to commemorate Veterans' Day on Sunday, November 8<sup>th</sup> at 11:00 a.m. and all are welcomed to attend.

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

8:18 P.M.

Respectfully submitted by,

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Kathleen S. Norcia, Municipal Clerk

Attest:

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Pamela H. Mount, Mayor