

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

October 6, 2009

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, October 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, October 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, Powers, Puliti, Mayor Mount.
Absent: Councilman Miller. (The Municipal Clerk advised that Mr. Miller would be arriving late as he is detained at work.)

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

There were no revisions to the agenda.

Public Participation

Public Presentation of the Republished
“A Guide to Lawrenceville’s Historic Landmarks”

Mr. Dennis Waters, Township Historian, stated what a great honor and privilege it is to finally be able to present the “Historic Landmark Guide” to the Council, as it has been many years in the making and proceeded to discuss how the book exemplifies history with respect to bringing the community together and having people think about the place in which they live, as well as, the ties that join them together to the many generations of people who made the Township what it is today.

Mr. Waters advised that history in itself is very powerful and the book is going to be an enormous resource for the people of Lawrence Township as they move forward. He then turned the floor over to Mr. Daniel Ben-Asher, a gentleman he acknowledged as single-handedly most responsible for the existence of the book and who shepherded the book for many, many years and deserves much of the credit for bringing it to fruition.

Mr. Daniel Ben-Asher, 11 Bennington Drive, greeted the Council and thanked Mr. Waters for his kind words and proceeded to acknowledge those who helped him put the second addition of the “Historic Landmark Guide” together. Afterwards, he presented each of the Councilmembers with a copy of the new addition and asked that they help spread the word about the historic appeal of Lawrence Township which could possibly help increase property values. Some discussion took place relative to the history, logistics and the various launch parties scheduled to initiate the sale of the book.

Ms. Anne Demarais, 64 Lawn Park Avenue, greeted the Council and advised that she is co-chair of the Lawrence Greenway Committee, a member of the Nature Center Friends Group and the Liaison to the Open Space and Stewardship Committee and indicated she would like to address the issue regarding the public question that is to be voted upon at the November election with regards to Open Space and New Jersey Green Acres funding.

Ms. Demarais advised that she would be voting for the funding being real estate is at bargain levels and now is the time to keep the Fund alive and urged the Council and others to do the same although Lawrence Township might not benefit from the passage of the public question, as the monies will be used for other legal permitted usages and some of the primary purposes will be shutout.

Ms. Demarais requested that the Council consider using at least one-cent of the three-cents for the purchase of open space land and Greenway easements and if they had any thoughts relative to the request to please feel free to email her.

In closing, Ms. Demarais stated that the Greenway Committee will be having their 19th Annual Hike in the newest parkland located off of Princess Road that is owned by the D& R Canal Commission on Sunday, October 18th at 1:00 p.m. She then distributed fliers and invited the Council and anyone else who might be interested in attending the event.

Adoption of Minutes

Mr. Bostock questioned the phrasing of the Minutes of the Regular Meeting of July 21, 2009 with regards to Page 6 - Maria Juega's comments regarding the Lawrence Township Police Department and racial profiling of Latinos as a whole. He moved that the Minutes be tabled for further review.

On a motion by Mr. Powers, seconded by Mr. Puliti, the Minutes of the Regular Meeting of July 21, 2009 were **tabled** for a future meeting.

Same was carried on the following roll call vote:

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

Introduction of Ordinances

There was no introduction of ordinances.

Resolutions

Resolution Nos. 363-09 (8A) thru 381-09 (8S) with the exception of Resolution 374-09 (8L) and 380 (8R) 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.

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Resolution Nos. 374-09 (8L) and 380-09 (8R) 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 of bids.

Adoption of Ordinances

Mayor Mount read by title an ordinance entitled, "AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, STATE OF NEW JERSEY – Riparian Zones."

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. 2032-09

AN ORDINANCE AMENDING THE
LAND USE ORDINANCE OF THE TOWNSHIP OF LAWRENCE
COUNTY OF MERCER, STATE OF NEW JERSEY

BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey that the Land Use Ordinance is hereby amended as follows:

Section 1. Article II, Definitions

The following definition shall be inserted:

Riparian - an area of land or water within or adjacent to a surface water body.

The following definition shall be revised:

Steep Slope - slopes over [15%] 20%.

Section 2, Article IV, General Regulations and Permitted Modifications

§ 430 Provisions Applying to All Districts

§430.J. Stream Buffers is hereby amended to include the following:

- 3. Riparian zones adjacent to all waters as described below shall be protected from avoidable disturbance:
 - a. The riparian zone is 300 feet wide along both sides of any Category One water, and all upstream tributaries situated within the same HUC 14 watershed;
 - b. The riparian zone is 150 feet wide along both sides of the following waters not identified in (a) above:
 - 1. Any trout production water and all upstream waters (including tributaries);
 - 2. Any trout maintenance water and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water;
 - 3. Any segment of a water flowing through an area that contains documented habitat for a threatened or endangered species of plant or animal, which is critically dependent on the regulated water for survival, and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water; and
 - 4. Any segment of a water flowing through an area that contains acid producing soils; and

c. A riparian zone 50 feet wide shall be maintained along both sides of all waters not subject to (a or b) above.

d. The following exceptions apply to riparian zones:

1. Redevelopment within the limits of existing impervious surfaces; and

2. New disturbance in the riparian zone necessary to protect public health, safety or welfare; to provide an environmental benefit; to prevent extraordinary hardship on the property owner peculiar to the property; or to prevent extraordinary hardship, provided the hardship was not created by the property owner, that would not permit a minimum economically viable use of the property based upon reasonable investment.

3. Adjustments to the riparian zones established by this subsection are allowed to the extent they comply with the Stormwater Management rules, N.J.A.C. 7:8, the Flood Hazard Area Control Act rules, N.J.A.C. 7:13, the Highlands Water Protection and Planning Act Rules, N.J.A.C. 7:38, and the Coastal Zone Management rules, N.J.A.C. 7:7E.

4. Steep slopes shall be protected from avoidable disturbance.

The following exceptions apply to steep slope areas:

a. Redevelopment within the limits of existing impervious surfaces; and

b. New disturbance necessary to protect public health, safety or welfare; to provide an environmental benefit; to prevent extraordinary hardship on the property owner peculiar to the property; or to prevent extraordinary hardship, provided the hardship was not created by the property owner, that would not permit a minimum economically viable use of the property based upon reasonable investment.

Section 3. Repealer

All other ordinances or parts of ordinances adopted prior to the date of this ordinance that are inconsistent with the provisions of this ordinance are hereby repealed insofar as they relate or concern the provisions contained herein.

Section 4. Severability

If any section, paragraph, sentence, clause or phrase in this ordinance shall be declared invalid for any reason, the remaining portions of said ordinance shall not be affected thereby and shall remain in full force and effect.

Section 5. Effective Date

This ordinance shall take effect twenty (20) days after final adoption thereof.

New Material Underlined _____

The Ordinance 2032-09 was adopted 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 OF LAWRENCE TOWNSHIP AMENDING THE LAND USE ORDINANCE OF LAWRENC TOWNSHIP – PVD3

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. 2033-09

AN ORDINANCE OF LAWRENCE TOWNSHIP AMENDING THE LAND USE ORDINANCE OF LAWRENCE TOWNSHIP

WHEREAS, the Township finds that regulations pertaining to affordable housing in the PVD 3 district are in need of revisions in order to be consistent with the substantive rules of the Council on Affordable Housing.

BE IT ORDAINED by the Mayor and Governing of the Township of Lawrence, in the County of Mercer, State of New Jersey, that the Land Use Code of the Township of Lawrence be amended as follows (deletions are shown as thus and additions are shown as thus):

1. Section 412A, entitled "Planned Village Development 3" of the Land Use Ordinance of Lawrence Township, as heretofore supplemented and amended, is hereby supplemented and amended to add and amend the following:

D. Required Uses. For every ~~eight~~ three dwelling units constructed and to be sold or rented at market rate, one dwelling shall be constructed that shall be affordable for low or moderate income households, in accordance with Article X of this Ordinance.

2. Inconsistency. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

3. Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, section, paragraph, sentence or clause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

4. Effective Date. This ordinance shall take effect immediately upon final passage and publication thereof according to law.

The Ordinance 2033-09 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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Mayor Mount read by title an ordinance entitled, "AN ORDINANCE AMENDING CHAPTER 6A OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE ENTITLED "FEES: THE CONSOLIDATED LICENSE, PERMIT AND FEE CHAPTER"

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. 2034-09

AN ORDINANCE AMENDING CHAPTER 6A OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE ENTITLED "FEES: THE CONSOLIDATED LICENSE, PERMIT AND FEE CHAPTER"

Section 1.

BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that Chapter 6A of the Lawrence Township Administrative code is amended as follows:

Sec. 6A-22 Documents, Copying and Miscellaneous Charges

A Guide to Lawrenceville's Historic Landmark Not to Exceed \$7.00

Section 2. Repealer

All ordinances or parts of same inconsistent with any provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 3. Severability

If any section, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason, the remaining portions of said ordinance shall not be affected thereby and shall remain in full force and effect.

Section 4. Effective Date

This ordinance shall take effect twenty (20) days after adoption thereof.

The Ordinance 2034-09 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						

Manager's Report –

Mr. Krawczun reported that he had the first meetings of negotiations with the White Collar Union (AFSCME), Supervisors Union (CWA) and the Firefighters Union (MBA), and they are now waiting for a response back from the Township employees with regards to the proposal. Negotiations with the PBA is still unresolved.

Mr. Krawczun stated at the last meeting Councilman Puliti inquired about the status of the Cable Television Policy and advised that there have been two meetings of the Cable Telecommunications Advisory Committee since that time, and the policy is currently being worked on and reviewed.

Mr. Krawczun further stated they are also working with Verizon and Comcast to develop programming opportunities on the cable television stations. A budget for the development of hardware and software will be presented in the 2010 budget report.

Some discussion followed relative to a timeframe for budget discussions.

Attorney's Report –

Mr. Nerwinski reported that Friday, October 2nd they closed on the First Aid Squad building; so the transaction is now complete and they can access the building at anytime.

Clerk's Report –

Mrs. Norcia advised that the letters for the Board and Committees re-appointments were mailed out to the members and she has received a few responses that are mostly positive.

Mrs. Norcia reported a while back the Council passed a resolution to merge funds for a PARIS Grant with Mercer County and as a result of that agreement Large Docs is presently in the building cataloging and sorting records for mass destruction and they will return at a later date to shred all the documents.

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.

7:28 P.M.

Respectfully submitted by,

Kathleen S. Norcia, Municipal Clerk

Attest:

Pamela H. Mount, Mayor