

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

September 1, 2009

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, September 1, 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, September 1, 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

There were no proclamations or honors.

Review and Revisions of Agenda

Mr. Bostock advised the Council that he had previously spoken to the Municipal Manager regarding a need for a Closed Session. On a motion by Mr. Bostock, seconded by Mr. Miller, the Agenda was revised to include the Closed Session.

Same was carried on the following roll call vote:

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

Public Participation

There was no public participation.

Adoption of Minutes

On a motion by Mr. Bostock, seconded by Mr. Puliti, the Minutes of the Closed Session of July 21, 2009 were approved without corrections.

Same was carried on the following roll call vote:

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

Introduction of Ordinances

Mayor Mount read by title an ordinance entitled, "BOND ORDINANCE AMENDING BOND ORDINANCE NO. 2020-09 BY THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, STATE OF NEW JERSEY, IN ORDER TO REVISE THE DESCRIPTION OF THE IMPROVEMENT HEREIN"

Mr. Krawczun indicated that the Ordinance amends the previously adopted capital ordinance by reauthorizing the purpose and permitted usage of the bond proceeds and discussed the receipt of bids for which one came in higher, the other one lower and the excess appropriation being applied toward the purchase of a pick-up truck.

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	
Mr. Puliti	X						
Mayor Mount	X						

Resolutions

Mr. Krawczun advised that Resolutions 8-D thru 8-G and 8-O require the 2009 adopted budget to be amended to include the anticipated grant revenues, commonly known as “Chapter 159”, and the expenditure of the funds for the intended purpose of the grants. A brief discussion followed relative to the various grants.

Resolution Nos. 324-09 (8A) thru 346-09 (8W) with the exception of Resolution 343-09 (8T) 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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Mr. Bostock inquired as to whether or not he should abstain from the vote on Resolution (8T) as he lives on the street that is requesting the road closure/block party. (Mr. Nerwinski advised Councilman Bostock to abstain from the vote.)

Resolution Nos. 343-09 (8T) were 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.

Awarding or Rejecting of Bids

Mr. Krawczun advised that the cost of the work is favorable, but the bidder failed to submit the Public Works Contractor Registration form which is a mandatory document and a non-curable defect under the Local Public Contract Law, making it an automatic rejection.

Mr. Krawczun further advised that Resolution (9-B) is a rejection of two bids that were in excess of the Township's estimated amount. Therefore, the item will be re-bid on September 9th. A brief discussion followed as to what roads would be re-stripped.

Mayor Mount asked for comments from the public. There being none, Mayor Mount asked for comments from the Council. There being none, public participation was closed. On motion by Mr. Puliti, seconded by Mr. Powers the following resolution was presented for adoption:

Resolution No. 347-09

WHEREAS, on June 11, 2009, bids were received for Bid No. 09-10, Road Striping; and

WHEREAS, three bids were received and the Township Manager reviewed said bids; and

WHEREAS, the low bid is being recommended for rejection because no Public Works Contractor Registration was included and said registration is mandatory per P.L. 1999 c. 238, and failure to include at the time of bid submission is considered mandatory rejection;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that the low bid, submitted by Traffic Markings, Inc., of Franklin MA in the total amount of \$36,119 submitted for Bid No 09-10, Road Striping, is hereby rejected.

Same was carried on the following roll call vote:

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

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Mayor Mount asked for comments from the public. There being none, Mayor Mount asked for comments from the Council. There being none, public participation was closed. On motion by Mr. Puliti, seconded by Mr. Powers the following resolution was presented for adoption:

Resolution No. 348-09

WHEREAS, on June 11, 2009, bids were received for Bid No. 09-10, Road Striping; and

WHEREAS, three bids were received and reviewed by the Township Manager and; and

WHEREAS, the next two lowest bids are being recommended for rejection because the bids came in over the amount estimated;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that the bids for Bid No. 09-10, Road Striping, are hereby rejected.

Same was carried on the following roll call vote:

Ayes: Councilman Bostock, Miller, Powers, Puliti, Mayor Mount.

Nays: None.

Adoption of Ordinances

Mayor Mount read by title an ordinance entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 2014-09 AMENDING SECTION 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. 2028-09

AN ORDINANCE AMENDING ORDINANCE NO. 2014-09
AMENDING SECTION 6A OF THE LAWRENCE TOWNSHIP
ADMINISTRATIVE CODE ENTITLED "FEES: THE CONSOLIDATED
LICENSE, PERMIT AND FEE CHAPTER"

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 entitled, "Fees: The Consolidated License, Permit and Fee Chapter" be and is here amended as follows:

Section 1.

Section II. (C) 1. Plan review fee or administrative fee: The fee for plan review or an administrative fee to void out an existing

issued permit or a proposed permit shall be twenty percent (20%) of the amount to be charged for a new construction permit, except that elevator device plan review shall be as in (c iii) 6 and 7 below.

Section II v. (6) There shall be no fee for [a continued certificate of occupancy] the issuance of the first temporary certificate of occupancy and no fee for the renewal of said first certificate of occupancy. The fee beyond the first renewal for all additional temporary certificates of occupancies shall be the minimal fee per that particular use group.

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 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.

Deletions are bracketed []
 Additions are underlined ____

Adopted: September 1, 2009

Ordinance 2028-09 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	
Mr. Puliti	X						
Mayor Mount	X						

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Mayor Mount read by title an ordinance entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 1902-06 ESTABLISHING THE SALARY FOR THE POSITION OF RECREATION ATTENDANT"

Mayor Mount asked for comments from the public. There being no more comments from the public, Mayor Mount asked for comments from Council. There being none, public participation was closed.

Ordinance No. 2029-09

AN ORDINANCE AMENDING ORDINANCE NO 1902-06 ESTABLISHING THE SALARY FOR THE POSITION OF RECREATION ATTENDANT

BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that Section II of the ordinance entitled "AN ORDINANCE PROVIDING CERTAIN JOB CLASSIFICATIONS AND PROVIDING COMPENSATION FOR THE MUNICIPAL EMPLOYEES OF THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, STATE OF NEW JERSEY" is hereby amended as follows:

Section 1.

<u>Grade 26</u>	2009
Recreation Attendant	\$22,000

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 immediately up adoption thereof.

Adopted: September 1, 2009

Ordinance 2029-09 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, "REFUNDING BOND ORDINANCE PROVIDING FOR PAYMENT OF AMOUNTS OWING TO OTHERS FOR TAXES LEVIED IN AN BY THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$5,225,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,225,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF

Mr. Krawczun provided an in-depth review regarding appropriations, issuance of bonds, loan and repayment process, property taxes and assessment ratios, tax appeals, settlements and funding for the tax appeals.

Mayor Mount asked for comments from the public. There being no more comments from the public, Mayor Mount asked for comments from Council. There being none, public participation was closed.

Ordinance No. 2030-09

REFUNDING BOND ORDINANCE PROVIDING FOR PAYMENT OF AMOUNTS OWING TO OTHERS FOR TAXES LEVIED IN AND BY THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$5,225,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,225,000 BONDS OR NOTES 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 pay an aggregate amount not exceeding \$5,225,000 for amounts owed by the Township to the owners of various properties for taxes levied in the Township, as more particularly described on the List of Appeals Ready for Resolution available for inspection in

the office of the Township Clerk, which list is hereby incorporated by reference as if set forth at length herein.

Section 2. An aggregate amount not exceeding \$50,000 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 3. In order to finance the cost of the project described in Section 1 hereof, negotiable refunding bonds are hereby authorized to be issued in the principal amount of \$5,225,000 pursuant to the Local Bond Law.

Section 4. In anticipation of the issuance of the refunding bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. All refunding bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations.

All notes issued hereunder may be renewed from time to time, but all such notes including renewals shall mature and be paid no later than the fifth anniversary of the date of the original notes; provided, however, that no notes shall be renewed beyond the first or any succeeding anniversary date of the original notes unless an amount of such notes, at least equal to the first legally payable installment of the bonds in anticipation of which the notes are issued, determined in accordance with the maturity schedule for the bonds approved by the Local Finance Board, is paid and retired on or before such anniversary date; and provided, further, that the period during which the bond anticipation notes and any renewals thereof and any permanent bonds are outstanding, shall not exceed the period set for the maturity of the bonds by the Local Finance Board.

The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the

Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 6. 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 authorization of the bonds and notes provided in this bond ordinance by \$5,225,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

Section 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. 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 chief financial officer of the Township as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 9. The Township hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the notes, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the notes. The Chief Financial Officer is hereby authorized to act on behalf of the

Township to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 1 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 10. This bond ordinance shall take effect when 20 days have elapsed after the first publication thereof after final adoption and the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted, as provided by the Local Bond Law.

Adopted: September 1, 2009

Ordinance 2030-09 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						

Manager’s Report –

Mr. Krawczun reported that the BP Gas Station (commonly known as John’s Truck Stop) located on Route 1 has been declared a contaminated site and is currently being cleaned up by the State of New Jersey.

Mr. Krawczun further reported that the site will be available for the landline that is anticipated with the expansion of the Quakerbridge Mall; and, as of now, they are uncertain when that will actually occur. Further, the work associated with the site cleanup and movement of the utilities is expected to take approximately one year to complete. A brief discussion took place relative to the timeframe and the site cleanup.

Mr. Krawczun advised that the first round of labor negotiations with the Blue and White Collar Unions September 2nd and he will keep the Council apprised of developments as they occur.

Mr. Krawczun reported that Mayor Mount, Jim Parvesse, Township Engineer, the County Traffic Engineer met with the residents of Project Freedom to discuss safety concerns and conditions at the intersection of Princeton Pike

and Freedom Boulevard and as a result of that meeting, the Administration has requested that PSE&G place additional street lights at the intersection to improve visibility. Other recommendations proposed by the residents will be reviewed by the County Engineer and brought back to the Township for further discussion.

Mr. Krawczun indicated at the last Council meeting he discussed the Lawrence Township Community Foundation's plan to provide fundraising efforts for the purpose of installing "welcome" signs at the entrances to the Township and during the discussion it was suggested and decided by Council that the residents vote at Community Day as to how the sign should read. After reviewing the new sign drawings, Council recommended that "Where all are welcome" be removed and be replaced by "Welcome". (Proposed sign drawings will be attached to and made part of the Minutes.)

Mr. Krawczun indicated once again Lawrence Township has agreed to participate in the Gypsy Moth Survey with the New Jersey Department of Agriculture and that thus far no complaints have been received; but, if anyone hears of any complaints to please contact his office so that he can forward the information to NJDEP for closer scrutiny.

Mr. Krawczun advised that the Administration received communication just today advising that there is a strong possibility that the application that was submitted to New Jersey Infrastructure Environmental Trust will not make the Trust Agenda nor would Township participation be approved this year as they will not make the cut. In addition, they were advised that they might not make the spring cut for next year.

Mr. Krawczun further advised the Ordinance would continue to be funded at seventy-five percent (75%) by the Hazardous Site Remediation Discharge Fund, and the twenty-five percent (25%) that Lawrence Township is responsible for, and was originally intended to go through the Infrastructure Trust, would still receive favorable rates.

Mr. Krawczun stated that based on the new information he instructed the Township Engineer to begin the bidding process for the program so that the Township can take advantage of the current bid market that would offset any interest cost as opposed to waiting for the spring of 2010 and proceeded to elaborate in detail on the funding and the plan. A brief discussion followed relative to the issue.

Attorney's Report –

Mr. Nerwinski reported that he contacted the First Aid Squad's attorney relative to the status of conveying the title to the Township. With winter approaching there is a need to access the building to start the necessary renovations prior to the takeover.

Mr. Nerwinski advised that the Squad's attorney contacted him today and advised that they are very close to scheduling a meeting with the membership which is a requirement in order to convey the title, and once that is completed they can proceed. Although there is no specific date set for the meeting, his estimation is that the process will take approximately two weeks.

Clerk's Report –

Ms. Norcia stated she was asked by the Manager's Secretary, Gail Eggert, to inquire about the Council's interest in registering for the League of Municipalities which is scheduled to take place the third week of November. In addition, she would like to know how many members of Council are interested in attending the Delegates Luncheon on Thursday, November 19th so that tickets can be ordered.. There were four members of Council who confirmed their interest in attending.

Written Communications –

There was no written communication.

Old Business –

Mr. Puliti inquired about the status of the Public Access Channel.

Mr. Krawczun advised that they do not have anything conclusive from the Cable Telecommunication Advisory Committee as they are still reviewing the policy. As soon as he receives their recommendation he will update the Council.

Mr. Bostock briefly commented on the last meeting that was held by the Committee and the various presentations that were given with regards to the various programs and options.

New Business –

There was no new business.

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

7:48 P.M.

Respectfully submitted by,

Kathleen S. Norcia, Municipal Clerk

Attest:

Pamela H. Mount, Mayor