

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

April 6, 2010

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, April 6, 2010 at 7:00 P.M.

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

At the commencement of the meeting Mayor Powers read the following statement of proper notice:

“Adequate notice of this meeting of the Lawrence Township Council being held on Tuesday, April, 6, 2010, 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: Councilmember’s Bostock, Kownacki, Mount, Puliti, and Mayor Powers.

Absent: None.

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

Proclamations and Honors

Prior to presenting the proclamation Mayor Powers made a few remarks relative to autism and the profound impact that the developmental disorder has on adolescents and adults, particularly, in New Jersey, and April being the designated month to try and bring awareness to parents and the general public on autism and its affects. He then turned the floor over to Mr. Tim Hitzel and Ms Kathy Moore, Board members on Autism New Jersey, who both spoke about their sons suffering from autism and the educational and health services available to assist them.

Mayor Powers read the following Proclamation for the record declaring the month of April as “Autism Awareness Month”:

Proclamation

WHEREAS, autism is a pervasive developmental disorder affecting the social, learning and behavioral skills of those affected by it; and,

WHEREAS, autism was once thought to be a relatively rare disorder, affecting only one in 10,000 people; and

WHEREAS, as more and more health professionals become proficient in diagnosing autism, more children are being diagnosed on the autism spectrum, resulting in rates as high as one in 150 children (one in 90 in the State of New Jersey); and

WHEREAS, while there is no cure for autism, it is well documented that if individuals with autism receive treatment early in their lives, it often is possible for those individuals to lead significantly improved lives; and

WHEREAS, Autism New Jersey is spearheading an awareness effort in order to educate parents, professionals and the general public about autism and its effects,

NOW, THEREFORE, BE IT RESOLVED that I, Michael S. Powers, on behalf of the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, do hereby proclaim April 2010 as

AUTISM AWARENESS MONTH

in the Township of Lawrence and urge all employees and residents to participate in our municipality's Autism Awareness Month activities in order to become better educated on the subject of autism spectrum disorders.

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Mayor Powers stated that the next presentation is not formally on the Agenda, but Mr. Ralph Copleman, Executive Director of Sustainable Lawrence, and an advocate for sustainability will be paying tribute to Lawrence Township for their "Green" practices. He then turned the floor over to Mr. Copleman who in turn advised of a Pledge he is circulating around Lawrence Township to encourage residents to go "Green" with the usage of sustainable practices – such as the nonuse of commercial lawn chemicals and limiting their usage of water. Some discussion took place relative to Mr. Copleman's comments with regards to the harmful affects of chemicals and water pollution.

Review and Revisions of Agenda

Mayor Powers advised that there are (3) three Resolutions to be added to the Agenda, Resolution (8Q) – Declaring the Township Council Support of Click It or Ticket Seat Belt Awareness and Mobilization; Resolution; (8R) – Authorizing the Submission of a Grant Application from the NJ Division of Highway Traffic Safety for Click It or Ticket 2010; and Resolution (8S) – Authorizing the Submission of a Grant Application from the NJ Division of Criminal Justice, Safe and Secure Communities Program.

Mr. Krawczun, Mr. Nerwinski and Mr. Puliti also advised that Resolution (8P) - Closed Session, needs to be amended to include discussions dealing with labor negotiations, personnel matters and Cellco Litigation (Resolutions C, D, K, L).

On a motion by Mr. Puliti, seconded by Mr. Bostock, the Agenda was amended to include the above revisions.

Same was carried on the following roll call vote:

Ayes: Councilmen Bostock, Kownacki, Puliti, Councilwoman Mount and Mayor Powers.
Nays: None.

Public Participation

Mr. Phillip Girandola, 57 W. Long Drive, stated he is the Head of a newly formed group called the Long Acres Neighborhood Demanding Peace and Quiet (LANDPAQ) and he would like to thank the Council for their many years of support and efforts in trying to get the Noise Barrier Wall built along the stretch of Interstate 95 adjacent to the Long Acres community and proceeded with a brief overview as to what has taken place over the last decade and some of things the group has accomplished over the last several months with regards to getting the wall constructed that would help obstruct the loud noise from the highway and bring some relief to the problem that has plagued the Long Acre community for more than 20-years.

Mayor Powers thanked Mr. Girandola for the update and elaborated on some of the comments made relative to the Noise Barrier Wall being approved by the State, then the project being abandoned due to the reallocation of funds and the population formula that determined the priority level of the project. A short discussion took place relative to the issue.

Andrew Lee, President of Lawrence Township FOP, Lodge 209, advised that he and the other police officers are present to voice their concerns and objection to rumors that the Municipal Manager is recommending the layoffs of two police officers and the reduction of police overtime, to help balance the budget after being informed of a \$1.2M reduction in State aid.

Officer Lee proceeded to discuss at length the shortage of officers in their department due to early retirements and vacancies not being filled that could possibly lead to a delay in service and create a hardship to the community, as crime will continue to rise and the residents will feel the impact. In closing, he urged the Council to re-evaluate the proposal by seeking savings elsewhere in the 2010 Municipal Budget instead of cutbacks in the Police Department.

Mayor Powers thanked Officer Lee for his comments and stated that the Council is still trying to digest the \$1M loss in State aid, especially, since they received \$5M in 2009, and prior to that State aid had remained flat. So, to have the Governor cut State aid by 20 percent this year has really put the Council in a very dire situation as they now have to try and find money or make cuts to services.

Mayor Powers further stated that no one on Council wants to see anybody get laid off. But, in order to balance the budget they will have to make budget cuts. Further, there will be no formal action taken on the matter at this time being they still have to go through the budget process, and they are creatively looking for alternative funding solutions and proceeded to elaborate on the issue. Afterwards, a lengthy discussion took place relative to cutbacks/saving measures and alternatives to bringing down the proposed 9-cent tax rate increase.

Thomas Everist, Lawrence Township Police Officer and Trustee for FOP, Lodge 209, stated that every single police officer goes above and beyond to serve the residents of Lawrence and proceeded to discuss the last major snowstorm where Mr. Whitehead, Public Works Director, and his crew worked tirelessly to keep the streets cleaned, in addition to the Police Department that had only one sergeant and six police officers to handle over 140 calls during an 8 ½ hour shift, as the other sergeant had to stay at Command and assist the two dispatchers with the nonstop 911 calls. He further advised of the negative affects and impact the cuts could possibly have on Lawrence Township being so close to Trenton, which is crime ridden, and Lawrence Township Police Department being the last line of defense for the Township.

Mr. Bostock stated that no one is suggesting that the Police Department is not doing a "great" job, but he is suggesting that the Council take a closer look, as nothing is sacrosanct at this difficult time. And, indicated that the Council is looking for alternatives (not necessarily cuts) to try and bring down the municipal tax increase and balance the budget, and if they don't have the money - they just don't have the money and proceeded to reiterate the importance of the Council

looking over everything in order to make the best judgment and how there are no sacred cows during this difficult process.

Mr. Michael Flandro, Lawrence Township resident, Firefighter and Part-time EMT, voiced his objection and opinion with regards to the proposed layoffs of police officers and emergency services personnel and suggested that both the Council and Mr. Krawczun cut their salaries to prevent layoffs and help balance the budget.

Mayor Powers advised that the Lawrence Township Council is a hardworking group of elected officials who are always out and involved in the community, and that he understands Mr. Flandro's comments from a public safety prospective being Councilman Puliti is involved with the fire companies and liaison to the Public Safety Committee and just as they have a tough job to do - so does the Council. Further, Councilman Bostock has already proposed a 10% reduction in the Council's salaries to help balance the budget.

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

Adoption of Minutes

On a motion by Mr. Bostock, seconded by Mr. Puliti, the Minutes of the Regular Meeting of January 20, 2010 were approved with corrections.

Same was carried on the following roll call vote:

Ayes: Councilmen Bostock, Kownacki, Puliti, Councilwoman Mount and Mayor Powers.
Nays: None.

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On a motion by Mr. Bostock, seconded by Mr. Puliti, the Minutes of the Regular Meeting of February 2, 2010 were approved without corrections.

Same was carried on the following roll call vote:

Ayes: Councilmen Bostock, Kownacki, Puliti, Councilwoman Mount and Mayor Powers.
Nays: None.

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On a motion by Mr. Bostock, seconded by Mr. Puliti, the Minutes of the Closed Session Meeting of March 16, 2010 were approved without corrections.

Same was carried on the following roll call vote:

Ayes: Councilmen Bostock, Kownacki, Puliti and Mayor Powers.
 Abstain: Councilwoman Mount.
 Nays: None.

Introduction of Ordinances

Mayor Powers read by title an ordinance entitled, "AN ORDINANCE AMENDING THE LAWRENCE TOWNSHIP ADMINISTRAIVE CODE ESTABLISHING A LAWRENCE TOWNSHIP FIRE DIVISION, THE DIVISION OF THE CODE ENFORCEMENT AND THE DIVISION OF EMERGENCY MANAGEMENT UNDER THE DEPARTMENT OF PUBLIC SAFETY."

Mr. Krawczun advised that the Ordinance establishes the Division of Fire within the Department of Public Safety, as well as, create policies and procedures for the operation of the new Division of Fire. In addition, it will establish and clearly define the line of responsibilities between the Volunteer Fire Companies and the Township operations.

The Ordinance was introduced and approved on the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVED	SECOND
Mr. Bostock	X						
Mr. Kownacki	X						
Mrs. Mount	X						X
Mr. Puliti	X					X	
Mayor Powers	X						

Resolutions

Resolution Nos. 148-10 (8A) thru 166-10 (8S) with the exclusion of Resolutions (8C, 8D, 8K and 8L) was approved by the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVED	SECOND
Mr. Bostock	X						X
Mr. Kownacki	X						
Mrs. Mount	X						
Mr. Puliti	X					X	
Mayor Powers	X						

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

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Mr. Krawczun provided an in-depth review of the Collective Bargaining Agreement for the following Unions: Resolution (8C), Authorizing the Township Manager to Execute a Negotiated Collective Bargaining Agreement with AFSCME, Local 2476; Resolution (8D), AFSCME, Local 2257 and Resolution (8L), CWA, Local 1032 for Period of January 1, 2010 through December 31, 2013. Additionally, Resolution (8K), Authorizing Amending Professional Services Contract in the Matter of Carter Road Homeowners' Association Suit, was voted on separately without any open public discussion.

Mayor Powers complimented Mr. Krawczun on his negotiations skills and stated that everyone cannot get all that they want during negotiations, but the summary of items that was negotiated by the Municipal Manager shows a significant shift in employees' contributions compared to previous bargaining agreements and proceeded to elaborate in detail on the matter.

Afterwards, comments from the Council and a lengthy discussion took place regarding employees' healthcare contributions (premium contributions vs. the proposed 1.5% of salary contributions by the State) and the elimination of healthcare benefits for part-time employees and elected officials, as well as, the generation of revenues, savings and the long-term benefits of the Agreements to the Township.

Resolution Nos. 150-10 (8C), 151-10 (8D), 158-10 (8K) and 159-10 (8L) were approved by the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVED	SECOND
Mr. Bostock		X					
Mr. Kownacki	X						
Mrs. Mount	X						X
Mr. Puliti	X					X	
Mayor Powers	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 or rejection of bids.

Adoption of Ordinances

There was no adoption of ordinances.

Budget Presentation –

Gregory Whitehead, Director of Public Works, Budget Presentation:

Mr. Whitehead greeted the Council and advised that he would briefly go through each of the Divisions 2010 budget requests and the types of services they provide to the community and proceeded with an in-depth report of his staff, training, departmental duties and initiatives, outsourcing and privatization of services, expenditures, grants, equipment usages and shared services for each of the Divisions, as well as, some of the services and projects that were accomplished in 2009 and future cost-saving projects for 2010. A lengthy question and answer session took place relative to Mr. Whitehead's presentation.

Mayor Powers advised Mr. Whitehead of all the wonderful compliments the Council received with regards to the job he and his staff did during the snow storms. Thereafter, a lengthy question and answer session took place relative to Mr. Whitehead's presentation, after which Mayor Powers and Council all thanked him and gave closing remarks regarding the outstanding service the Public Works Department provides to the community.

Manager's Report –

Krawczun submitted an invoice listing for the month of February 2010 in the amount of \$2,501,866.27.

Mr. Krawczun reported that in February there was a question raised by Councilman Bostock with regards to what changes could be made to reduce the budget by increments of one-tenth (1/10) and advised that he would be conducting that analysis once all the budget presentations by the Directors are concluded and proceeded to discuss a notice he received on March 17th from the State Department of Community Affairs advising that the overall State aid to Lawrence Township has been reduced by \$1.23M which creates a tax rate increase of almost 4 cents.

Mr. Krawczun further advised that he prepared a list of items outlining possibilities on what may be considered for reduction in appropriations for adjustments or increases of revenue that have not already been anticipated in the proposed 2010 budget and proceeded to review at length the proposed items

and the estimated savings that would help reduce the tax rate increase. A question and answer period took place relative to the proposed items and Mr. Krawczun moving forward with the proposal.

Mr. Krawczun proceeded with a brief summary regarding the \$5M in State aid that was distributed to the Township through Consolidated Municipal Property Tax Relief Aid, Energy Receipt Taxes, Supplemental Energy Receipt Taxes and the Garden State Trust Fund in 2009 versus the \$1.23M reduction of State aid in 2010, due to a reduction in CMPTRA and the elimination of the Energy Tax Receipts totaling \$81,000 which is a 20% cut in State aid and a \$760,000 adjustment to the Township's budget.

Mr. Krawczun also reviewed the origin of revenue and how it is distributed to the Township, after which it was the consensus of the Council for Mr. Krawczun to prepare a resolution urging the State to restore the Energy Tax Receipts funding to the Township. Afterwards, there was an at length discussion concerning the budget and departmental budget outlines being broken down by percentages to reflect cuts and savings for each department.

Mr. Krawczun stated the item he is about to review concludes his budget report and advised a few meetings ago there was a question posed by Councilman Bostock concerning average/median assessments, and indicated the median assessment for 2009 was (1.3600) and for 2010 is (1.3400) and proceeded to discuss the difference between the two assessments and the average increase to the municipal property tax rate.

Mr. Krawczun further stated that copies of his Capital Plan Recommendation have been distributed to Council for review, and if there are no questions, he would like to know how they wished to proceed from this point on in terms of the budget and suggested that they continue discussions at the April 21st meeting, so that they can begin to prepare for the introduction of the budget in May. It was the consensus of the Council to continue the discussion at the April 21st meeting.

Mr. Krawczun updated the Council on the progress of Kraft Cleaners and indicated that in October 2009 the Administration submitted an application to NJDEP for the Hazardous Discharge Site Remediation, and after several attempts to check the status proved to be unsuccessful, Jim Parvesse, Township Engineer, contacted a representative who advised that it will take an additional 4 to 6 months to review the request – so that matter is still pending.

Mr. Krawczun reported that the New Jersey Supreme Court ruled that the sale of the Trenton Water Utility has to go to Referendum and be voted on by the residents of Trenton and that all outside water users will have to wait on the outcome of the Referendum and proceeded to elaborate on the process.

Attorney's Report –

Mr. Nerwinski stated that the Cell Tower litigation sought against the Lawrence Township Planning Board by the Carter Road Homeowners Association was dismissed by Superior Court Judge Sypek which means the Township's Motion to Dismiss was granted and the court litigation is concluded and if anyone has any questions, to please feel free to give him a call.

Clerk's Report –

There was no Clerk's report.

Written Communications –

A. Report of the Shade Tree Advisory Committee.

Mayor Powers stated Councilwoman Mount had asked the Township Committees to submit yearly activity reports, as it would be helpful to the Council and advised that they did receive the 2009 Yearly Report from the Chairman of the Shade Tree Advisory Committee and that Stacy McCormack was appointed as the Planning Board Representative to the Committee. A short discussion followed relative to approved Minutes being posted on the Township's website and the reduction of hours for the employee who occupies that particular position.

Old Business –

A. Discussion Relative to Green Team Committee

Some discussion took place relative to an Ordinance being prepared creating the Green Team Advisory Committee and a "draft" copy of their mission statement outlining "green" initiatives. In addition, there was conversation concerning the application and appointment process, powers and duties for those appointed to the Committee, as well as, the tangible benefits of being a Certified Sustainable community or establishing a "Green Team". After the discussion, it was the consensus of the Council to proceed with discussions at the next meeting.

New Business –

A. Noise Barrier – Long Aces

Mr. Puliti discussed the noise problem that has plagued the Long Acres community in the Township for more than a decade and asked the consensus of the Council with regards to preparing a Resolution supporting the installation of a Noise Barrier Wall along I-95 Northbound and copies being forwarded to NJDOT and State representatives. After a brief discussion, it was the consensus of Council to move forward with the proposal.

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

10:13 P.M.

Respectfully submitted by,

Kathleen S. Norcia, Municipal Clerk

Attest:

Michael S. Powers, Mayor