

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

July 6, 2010

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, July 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, July 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: Councilmembers 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

There were no proclamations or honors.

Review and Revisions of Agenda

The Municipal Clerk requested that Ordinance (7C); An Ordinance Amending Chapter 4, Article V Entitled “Cat Licensing” of the Lawrence Township Administrative Code be added to the Agenda, and Councilwoman Mount requested that Resolution (8Y); Authorizing the Appointment of Pamela H. Mount as Mayor for a One Day Period in August be deleted from the Agenda.

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

Same was carried on the following roll call vote:

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

Public Participation

A. Overview of Proposed Sign Ordinance Presented by Brian Slaugh, PP, AICP of Clarke Caton Hintz and Falk Engle, Esq.

Mr. Slaugh open the discussion by introducing himself and advised that he primarily works with the Township Zoning Board, but he occasionally gets involved with ordinance revision work as he did most of the work on the LUO that was revised in 1997. He further indicated one of the things that prompted the change was the Supreme Court's ruling and successful appeal of the inflatable sign otherwise known as the "rat case" which found that Lawrence Township's existing sign ordinance needed a fair amount of work, particularly, in the area people think of as constitutional liberties, view point expressions and free speech issues. So, that is where Mr. Engle, who has superior knowledge on the law and his expertise on these matters, came into play.

Mr. Slaugh proceeded to discuss the Task Force that consisted of Mr. Krawczun, Township Manager, Mr. Nerwinski, Township Attorney, Mr. Parvesse, Municipal Engineer, Mr. Engle and himself, who met periodically to review, discuss and make necessary changes to the sign ordinance that would help keep the Township in compliance with the law. Thereafter, he reviewed the ever changing law regarding signage and what they are allowed to regulate and display in terms of posting signs. He then turned the floor over to Mr. Engle for further comments.

Mr. Engle greeted everyone and proceeded to elaborate on the incident of the inflatable balloon resembling a rat that was used as a symbolic expression of speech of a union's protest, which is constitutionally protected and led to the litigation (State vs. DeAngelo), where the Township's sign ordinance was found to be unconstitutional on the grounds of the First Amendment, after which he discussed in detail the guiding principles of the sign ordinance and the legal philosophy that was applied in revising the proposed ordinance.

In closing, Mr. Engle stated after going through the whole conference process he is very confident that the proposed sign ordinance protects the civil rights of everyone within the jurisdiction of Lawrence Township - fairly, equitably and to the full extent of the constitutional law which is an important public policy role as it reflects the direct values of the community and thanked everyone involved on the Task Force for their input, expertise and hard work on revising the ordinance.

Mayor Powers thanked Mr. Engle for his legal expertise and advised that Mr. Engle failed to thank himself for all the hard work he put in with respect to his volunteerism and attorney's expertise on revising the sign ordinance, after which Mr. Engle noted for the record the work he did as an attorney was pro-bono legal work for the community of Lawrence Township in which he resides.

Afterwards, there was an at length period of questions and comments from the Council and Township Attorney relative to the proposed Sign Ordinance and some of the gray areas and differences of interpretation with respect to the past and present context, display and permitted usage of signs, as it relates to the new constitutional laws being integrated into the existing ordinance.

Mayor Powers thanked Mr. Slauch and Mr. Engle for the great work and presentation and proceeded to discuss future plans for discussion, to help bring the sign ordinance to fruition.

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

Adoption of Minutes

On a motion by Mr. Puliti, seconded by Mr. Bostock, the Minutes of the Regular Meeting of April 6, 2010 and April 21, 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.

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On a motion by Mr. Puliti, seconded by Mr. Bostock, the Minutes of the Closed Session Meeting of June 1, 2010, June 15, 2010 and June 24, 2010 were approved without corrections.

Same was carried on the following roll call vote:

Ayes: Councilmember's Bostock, Kownacki, Puliti, Mount and Mayor Powers.
 Nays: None.

Introduction of Ordinances

Mayor Powers read by title an ordinance entitled, "AN ORDINANCE AMENDING CHAPTER 6A, "FEES: THE CONSOLIDATED LICENSE, PERMIT AND FEE CHAPTER" OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE – Copy Fees & Electronic File Preparation and Transmitting Fee'."

Mr. Krawczun advised that the Ordinance amends the Township Fee Ordinance by establishing "fees" for the actual cost of copying documents which will bring the Township into compliance with the copying fees as required by new OPRA regulations.

The Ordinance was introduced and approved on 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						

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Mayor Powers read by title an ordinance entitled, "AN ORDINANCE AMENDING THE TOWNSHIP'S CURRENT COUNCIL-MANAGER OPTIONAL FORM OF GOVERNMENT TO PROVIDE FOR THE DIRECT ELECTION OF MAYOR BY THE VOTERS THE MUNICIPALITY."

The Ordinance was introduced and approved on 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						

Mr. Bostock stated back in January at the Reorganization Meeting he proposed the idea of the Township Council changing the method in which they select the Mayor by placing a question on the November ballot that would allow the voters to directly elect a Mayor to a 4-year term, as opposed to the current selection process of rotating the Mayor's post annually among the members of the majority political party.

Mr. Bostock stated that he feels the change would better serve the people of Lawrence, as the elected Township Official would have a longer time to serve and build relationships with other levels of government, as well as, a really strong Agenda that would get important things accomplished. Further, the direct election process would not change the current form of government in which the Township operates under or create any additional expense to the taxpayers of Lawrence and proceeded to elaborate in detail regarding his proposal.

Mayor Powers stated in terms of discussion the Township Council needs the opportunity to hear from the residents as to whether or not they would like to change the present practice in which a Mayor is selected, as they have done in the past by having community meetings and getting feedback from the residents on significant issues – such as the redevelopment of Brunswick Avenue. And, indicated he has monthly “Meet the Mayor” meetings and that the residents who attend the meetings have raised many issues, but not once have they raised the issue of changing the system in which the Mayor is selected and proceeded to discuss his point of view with regards to having more discussion on the issue as opposed to just picking a Mayor for a four-year term, as if the Township is a strong-mayor form of government. He then welcomed comments from his fellow colleagues.

Mr. Puliti stated that the proposal is a little more broader than just electing a Mayor for a 4-year term, as all aspects of the forms of government should be examined to determine whether or not they should proceed with a Charter Study that would determine if the Township should be operating under a more suitable form of government and proceeded to reverberate some of Mayor Powers' comments with respect to additional dialogue being needed on the matter prior to making a ultimate decision. And, advised what is being proposed is only one component of choices; voters should have all the information so they can make an informative decision on what they are voting on, as well as, the Council. Further, it is not a good idea to raise the issue in the dead of summer when people are not available to discuss the matter.

Mrs. Mount stated that the discussion has not been deep, down and rooted being they have not taken a lot of time to review the proposal as they have done in the past with other significant issues that included having public forums, hiring experts to examine and provide an opinion on an issue, making sure everyone involved or interested is available to attend the hearings, etc. So, in light of that, she definitely agrees with both Mayor Powers and Mr. Puliti that a

broader review of the proposal is needed along with public discussions for those who are interested and would like more information on the proposals prior to making a decision on the matter and proceeded to discuss the results of a Charter Study that was done by Hopewell Township.

After a lengthy debate amongst the Council relative to a referendum being placed on the November ballot for the direct election of Mayor by the voters, the various forms of government, a Charter Study being performed to determine whether or not the change is necessary and the Council negotiating the Mayor's term of office amongst themselves without resorting to an election process; the Ordinance was tabled for further deliberation.

The Ordinance was **tabled** 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						

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Mayor Powers read by title an ordinance entitled, "AN ORDINANCE AMENDING CHAPTER 4, ARTICLE V ENTITLED 'CAT LICENSING' OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE'."

Mr. Krawczun advised that the Ordinance increases the cat licensing fee from \$7.00 to \$8.00 for spayed/neutered and from \$10.00 to \$11.00 for non-spay/neutered. A short discussion followed relative to the differences in cat and dog fees, after which Mr. Bostock suggested they look into making the fees the same for both licenses, as the licensing process is the same for both animals.

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

Mr. Krawczun requested that Resolution (8X) be acted upon after the Special Introduction of Ordinance (9A), and that he would explain the sequences of the (3) three issues which involve Resolution (8W).

Mr. Bostock voiced his concern with regards to Resolution (8B), Authorizing an Application for a COPS Hiring Program Grant. Some discussion followed relative to Grant requirements as it relates to the current level of staffing and police retirements.

Resolution Nos. 244-10 (8A) thru 266-10 (8W) 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.

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Resolution No. 267-10 (8X) 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 Resolution is spread in its entirety in Resolution Book Volume No. 2 of the Township of Lawrence.

Special Introduction of Ordinances

Mayor Powers read by title an ordinance entitled, REFUNDING BOND ORDINANCE PROVIDING FUNDING FOR AN EMERGENCY APPROPRIATION ADOPTED TO FUND PAYMENT OF AMOUNTS OWED TO OTHERS FOR TAXES LEVIED IN AND BY THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OR NOTE OF THE TOWNSHIP FOR FINANCING THE COST THEREOF."

Mr. Krawczun advised that Resolutions 8W, 8X and Ordinance 9A are all related to the refund of tax appeals being the Township had a record setting amount of assessments under appeal in 2009, and in order to meet the Township's financial obligation with regards to successful appeals an Ordinance was prepared and sent to the Local Finance Board seeking approval of refunding bonds that would essentially create a line of credit from which to make the payments.

Mr. Krawczun further advised that the application was not done to the Local Finance Board's satisfaction; therefore, it was deemed incomplete and denied. Thereafter, they were informed that the municipality needed to have the full amount of successful appeals settled before they would be eligible to make an application for a refunding bond that would in turn create the cash flow needed to make the payments and proceeded to discuss the proper protocol and revisions recently made to the refunding bond policy by Director of the Division, Attorney General's Office.

The Ordinance was introduced and approved on 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						

Adoption of Ordinances

Mayor Powers read by title an ordinance entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 1643-01, CHAPTER 10 OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE ENTITLED 'GARBAGE AND REFUSE.'"

The Ordinance was approved for discussion on 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						

Mr. Krawczun advised that the Ordinance amends the Administrative Code by establishing a fee of \$25.00 for the pick-up of bulk waste and white goods/metals and that the bulk waste sticker will allow for a household to have up to (5) five items of up to 50 pounds each and 52 stickers a year, and that the charge for pickup will commence on October 1, 2010.

An at length discussion took place amongst the Council relative to the current bulk waste collection program, alternate programs and the cost for the pickup of bulk waste, after which it was the determination of the Council that there were too many reservations regarding the proposed Ordinance and that it should be tabled.

Ms. Ruthann Mekitarian, 19 Burning Tree Lane, stated that she owns two other properties in Lawrence Township - 12 Azalea Ct. and 92 Quince Ct. - and asked whether or not the Township picked up trash on The Lawrenceville School property or provided water and sewer to the school.

Mr. Krawczun advised that the Township does not provide trash collection to the school, water is provided by private utilities and the school pays the Township for sewer.

Mr. Puliti questioned whether service is provided for the properties located outside of the campus – such as the ones located along Route 206.

Mr. Krawczun advised that he would have to look at the specific addresses to make that determination, but there may be some private residences located off-campus that would probably receive some level of service.

The Ordinance 2056-10 was **tabled** on the following roll call vote:

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

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Mayor Powers 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 GENERAL IMPROVEMENT BONDS OF THE TOWNSHIP. DATED OCTOBER 1, 1998 ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$7,500,000 APPROPRIATING \$3,200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,200,000 REFUNDING BONDS IN THE TOWNSHIP FOR FINANCING THE COST THEREOF.”

Mayor Powers asked for comments from the public. There being none, Mayor Powers asked for comments from Council. There being none, public participation was closed.

The Ordinance 2057-10 was adopted on 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						

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Mayor Powers read by title an ordinance entitled, "AN ORDINANCE ESTABLISHING THE MID-BLOCK CROSSWALK ON KEEFE ROAD, TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, STATE OF NEW JERSEY"

Mayor Powers asked for comments from the public. There being none, Mayor Powers asked for comments from Council. There being none, public participation was closed.

The Ordinance 2058-10 was adopted 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						

Manager’s Report –

Mr. Krawczun distributed a set of local maps for informational purposes to the Council and advised that there are currently four applications submitted to the Township for the installation of cell towers; two which will go to the Planning Board and two that will go to the Zoning Board and proceeded to discuss the plans for the four sites and some of the concerns associated with the proposed locations.

Mr. Krawczun distributed the 2009 Municipal Audit Report for the Council’s review and stated he is happy to report the Annual Audit Report is now completed and no misappropriation of funds was found. And, advised that the Council has to review the documents so they can adopt a resolution at the next meeting certifying that they are familiar with the general comments and recommendations listed in the report.

Mr. Krawczun reported that NJDEP approved the Township’s plan for the remediation of the Colonial Lake Dam structure and advised that Mr. Parvesse, Township Engineer, the engineering consultant, and three of the four invited

contractors went to the dam to assess the needed repairs, as they are treating the problem as an emergency situation. Additionally, they have reviewed the matter with the Auditors being there is a safety and welfare concern and they anticipate all the proposals being in by Friday, July 9th at 12 Noon, which will give them sufficient time to review the proposals and immediately upon satisfactory review, issue the authority to move forward with the repairs to the dam.

Mr. Krawczun advised that Notices will be sent out the residents who live in the vicinity of the Lake, so they will better understand the project as it relates to the lowered water levels and fish being relocated. In addition, they had a meeting with FEMA on June 29th to discuss the damages to the dam and indicated because the damages were done during a storm event the Township may be eligible for funding for some of the repairs, so they are continuing to work with FEMA on that matter, and they anticipate the work to take 30 to 45 days depending on the weather conditions during the working period. Some discussion followed relative to the project being expedited, possible funding from Greenacres or Environmental Trust and an emergency resolution being prepared for the next meeting.

Mr. Krawczun reported that the remediation of the Dyson Tract is 96% percent complete and in passing they may have seen some starts and stops where testing was required and advised that some of the areas needed further remediation and they were again retested. So, they are now awaiting the results and once those results are received and everything is given the okay they can continue with the process.

Attorney's Report –

Mr. Nerwinski stated that he was going to report on the Sign Ordinance, but that was previously done during Mr. Slauch's and Mr. Engle's representation.

Clerk's Report –

There was no Clerk's report.

Written Communications –

There were no written communications.

Old Business –

Mr. Puliti advised that he requested that Mr. Nerwinski give the Council some pointers regarding the old Charter Study that was done in 1990, not realizing they were going to have an in-depth discussion on the matter. So, in light of that, he will hand the report over to the Municipal Clerk to schedule for the next meeting under old business.

New Business –

There was no new business.

Appointment to Planning Board –

Mr. Kownacki stated that the Council met to conduct interviews to fill some positions on the Planning Board and the following individuals were appointed for the following terms of office.

Mrs. Mount thanked all the people who applied for the position and offered their services to the Township.

PLANNING BOARD (Kim Taylor: Regular-Unexpired 4-Year term, Terrence Leggett: Alternate 1 - Unexpired 2-Year term, Paul Palombi: Alternate No. 2 - Unexpired 2-Year term)

Resolution No. 268-10 was approved by the following roll call vote:

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

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

10:40 P.M.

Respectfully submitted by,

Kathleen S. Norcia, Municipal Clerk

Attest:

Michael S. Powers, Mayor