

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

June 1, 2010

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, June 1, 2010 at 7:00 P.M.

Prior to the opening of the meeting, Mayor Power asked for a moment of silence being it is the day after Memorial Day and over a million Americans have given their lives for our freedom and country, after which he thanked Mr. Groeger, Superintendent of Recreation, and the Patriot Committee for the wonderful turnout and organization of the Parade and ceremonial events and proceeded to discuss the services in detail.

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, June 1, 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 advised that Resolution (8L); Authorizing Sale of Personal Property has to be amended to include a 1998 Buick Regal for Charlie Allen's Auto Body that the Police Department just received the title for and the minimum bid will start at \$1.00.

On a motion by Mr. Bostock, seconded by Puliti, 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

Mr. Paul Palombi, 17 Graf Avenue, voiced his objection to an article that Mr. Bostock wrote to the editor of the Lawrence Ledger regarding Township employees not contributing enough toward the cost of their healthcare benefits and seemingly criticizing his fellow Councilmembers for agreeing to a lesser amount than what he suggested.

Mr. Bostock stated his appreciation with regards to Mr. Palombi coming out and sharing his views and advised that the letter he wrote to the editor was not criticizing his colleagues at all, he was merely stating his position and giving the reasons for his stance on the matter.

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

Authorizing Self-Examination of the 2010 Municipal Budget

Public Hearing and Adoption of the 2010 Municipal Budget

Prior to the adoption of the following two Resolutions, Mr. Krawczun gave an in-depth explanation relative to the Adoption and Self- Examination process of the 2010 Municipal Budget, after which there was a period of questions and

comments from the Council regarding Union negotiations, tax increases and the overall budget.

Resolution Nos. 204-10, Authorizing Self- Examination of the 2010 Municipal Budget 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						

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

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Resolution Nos. 205-10, Authorizing Adoption of the 2010 Municipal Budget was 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 Resolution is spread in its entirety in Resolution Book Volume No. 2 of the Township of Lawrence.

Adoption of Minutes

On a motion by Mr. Puliti, seconded by Mr. Bostock, the Minutes of the Regular 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.

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On a motion by Mr. Puliti, seconded by Mr. Bostock, the Minutes of the Closed Session Meeting of May 4, 2010 and May 18, 2010 were approved without corrections.

Same was carried on the following roll call vote:

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

Introduction of Ordinances

Mayor Powers read by title an ordinance entitled, "AN ORDINANCE AMENDING THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE TO CREATE A GREEN TEAM ADVISORY COMMITTEE."

Mrs. Mount advised that the "Green Team" has reviewed the proposed Ordinance and has recommended a few changes to the ordinance, after which a short discussion took place with regards to the Committee collaborating with the Council, Municipal Manager and Planning Board and language to that affect being included in the ordinance. After the discussion, it was the consensus of the Council to amend the ordinance to include such language.

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 provided a brief explanation regarding Resolution (8P); Authorizing an Application to Obtain a Grant for Roof Replacement for Home Front, Inc. after a question was raised by Councilwoman Mount, and Councilman Bostock briefly commented on Resolution (8C); Authorizing a Refund of Food License Fee. A brief discussion followed relative to the requirements necessary for an Application for Gathering/Public Events and Food License Permit.

Resolution Nos. 206-10 (8A) thru 223-10 (8R) with the exception of Resolution Nos. 204-10 and 205-10 were 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.

Awarding or Rejecting of Bids

There was no award or rejection of bids.

Adoption of Ordinances

Mayor Powers read by title an 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 – Police Chief & Deputy Chief

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.

Ordinance No. 2054–10

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

BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, as follows:

Section I. Short Title

This ordinance shall be known and may be recited as “The Salary Ordinance of the Township of Lawrence – Chief of Police and Deputy Chief of Police for 2009-2012.”

Section II. Salaried Employees

The following is the salary range for the Chief of Police and Deputy Chief of Police for 2009-2012:

	2009	2010	2011	2012
Chief of Police	\$149,505	\$149,505	\$153,766	\$158,148
Deputy Chief of Police	\$142,387	\$142,387	\$146,445	\$150,619

This ordinance will continue the Township's consistent policy of providing comparable fringe benefits to the Chief and Deputy Chief during their active service as that provided to members of Fraternal Order of Police (FOP), Lodge 209.

Section IV. Eligibility

The ranges in Section II of this ordinance shall pertain to the Chief of Police and Deputy Chief of Police employed by the Township of Lawrence on or after the effective date of this ordinance.

Section V. Longevity

- A. The Chief and Deputy Chief shall be entitled to longevity pay based solely on the length of full time employment with the Township of Lawrence. The payment shall be made in conjunction with the payment of the base rate of compensation as defined in the FOP, Lodge 209 Collective bargaining agreement with the following schedule:

Length of Service	2010-2012
Beginning in year 8 through 11	\$1,500
Beginning the 12 th year through year 15	2,100
Beginning the 16 th year through year 19	3,000
Beginning the 20 th year through year 23	3,900
Beginning the 24 th year through year 27	5,100
Beginning the 28 th year and beyond	5,500

- B. Longevity pay, as heretofore set forth, shall become effective January 1st or July 1st, the date nearest to the anniversary date of employment.

Section VI. Health Benefits

The Township agrees to provide the Chief and Deputy Chief with health insurance for the employee and their dependents.

Employees shall contribute toward the cost of their health and prescription premium costs for themselves and their dependents. The rate of contribution shall be one and one-half percent (1.5%) of pensionable compensation of the employee, per New Jersey State Statute. The contribution shall become effective January 1, 2011. The contribution will be deducted from the employee's pay.

Section VII. Other Personnel and Working Conditions

All other functions, responsibilities and rights not specifically enumerated in prior sections of this ordinance shall be judged to be within the province of management, subject only to the laws, rules and regulations of the New Jersey Department of Personnel, the provisions contained in applicable agreements (if any) or policy manuals, and by the issuance of Administrative Directives by the Municipal Manager.

Section VIII. 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 to or concern the job classifications listed in this ordinance.

Section VIX. 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 X. Effective Date

- A. This ordinance shall become effective immediately upon adoption thereof.
- B. All salary or compensation provided for and by this ordinance shall be effective the first day of January.

The Ordinance 2054-10 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 reported that janitorial services in the 2010 Municipal Budget was changed and outsourced to a private contractor for both Town Hall and Police Headquarters and that the eliminated employees were offered a position by the contractor which one of the employees accepted and the other declined. Thereafter, the Administration decided to contact the employee that declined the position with the private contractor and offered him his old position back due to a resignation in the Public Works Department; however, he also declined the Township's offer. A short discussion followed relative to the layoffs and budgetary concerns.

Mr. Krawczun stated at the last Council Meeting he distributed a Memorandum outlining suggestions from Mr. Whitehead, Director of Public Works, on charging a fee for bulk waste collection and white goods pickup and ask if the Council had any questions or concerns relative to the memo, as well as, their wishes on how they would like to proceed with the proposal. After a lengthy conversation concerning the proposal the Council was in support of the concept; but agreed that the language should be amended for clarification purposes.

Mr. Krawczun reported on May 6th. Hopewell Township, who is working as the lead agency for the Twin Pines project, accepted bids and that there were 22 companies that picked up specifications and only five bids were returned. In addition, Mr. Groeger, Superintendent of Recreation, Mr. Parvesse, Township Engineer and he had an opportunity to meet with Mr. Pogorzelski, Hopewell Township Administrator, to review the bids in detail, after which it was their recommendation that the bids be rejected due to the price and substantial changes to the bid specifications for some of the items and proceeded to discuss some of the changes they plan to include in the next bid packet. A brief discussion followed relative to a timeline for the next bid proposal.

Mr. Krawczun reported he received information concerning damage and needed repairs to the dam at Colonial Lake and over the course of the weekend and again on Monday he had the opportunity to speak with Mr. Parvesse and Mr. Whitehead relative to the urgency of the needed repairs.

Mr. Krawczun further reported that in October 2009 the Administration submitted an inspection report to NJDEP concerning the dam and that money was reallocated for a study to be done by an engineering firm, T&M Associates, who presented the conditions of the dam as of June 2009 and based on those findings the Administration included money in the 2009 Capital Budget to cover the projected cost of \$100,000 for repairs to the dam, mostly for surface gabion work and general repairs to the structure.

Mr. Krawczun advised in March of this year the dam sustained major damage to one of the storm vents, as some large trees entered the lake and created large indentations that removed pieces of the dam on the backside of the structure. And, although the front side of the structure is still standing, the Township entered into an Agreement with T&M Associates, as the Administration felt the dam was in immediate need of repair. Subsequently, the extent of the damage was more than anticipated, so they decided to cut off the contract with T&M Associates and entered into a contract with French & Parello in order to move quickly on the plans for specifications and start the necessary repairs to the dam and proceeded to discuss some of the repair problems.

Mr. Krawczun further advised that Mr. Parvese, Mr. Whitehead and he met with representatives from French & Parello earlier in the day and they recommended that the Township take immediate action with respect to repairing the dam. So, after the meeting they contacted NJDEP to setup a meeting which is scheduled for tomorrow (6/2) afternoon at 3:00 p.m. and proceeded to discuss at length the site plan documents, projected cost and monies appropriated for the cost of the dam repair, additional funding needed to offset the cost and a projected timeline relative to the completion of the project; after which some discussion took place relative to obtaining grant funding and possible assistance from other sources to help move the project forward.

Mr. Krawczun reported lightning struck the Township campus yesterday evening and they suspect it struck the tower behind Police Headquarters which caused damage to two air conditioning units by burning out the motors and advised that the Police had to go to temporary communication connections, to include the use of Mercer County Sheriff Department Mobile Command Center in order to create the dispatch, as they lost electricity which knocked out their computers, telephones, in addition to the air conditioners and proceeded to discuss other damages associated with the lightning strike.

Mr. Krawczun advised that the Township previously used a process to send out estimated tax bills that allow for a municipality operating on a calendar year to send out a third quarter bill based on projected tax rates. And, indicated if they wait until the adoption of the State budget the third quarter bills will go out much later than the August 1st due date and proceeded to review the State and County budget process and how the process will affect the Township because of adjustments associated with tax appeals and the Township's cash situation. A short discussion took place relative to the matter.

Attorney's Report –

Mr. Nerwinski advised that the Carter Road Homeowners Association filed a Notice of Appeal with the Appellate Court relative to the Cell Tower matter on Carter Road and proceeded to discuss the timeline regarding the appeal process.

Clerk's Report –

There was no Clerk's report.

Written Communications –

There were no written communications.

Old Business –

A. Change in Form of Government

Mr. Bostock opened the discussion by stating he suggested at the Reorganization Meeting on January 1st that the Governing Body consider whether or not the Council-Manager form of government adopted in 1970 still serves the needs of the Township and that he is especially concerned about their current process of rotating the Mayor's Office amongst certain members of Council a year at time, as he feels it puts the Township at a disadvantage. He further advised that the other twelve municipalities in Mercer County either elect the Mayor directly or make it a practice to name one person to serve as Mayor for a number of years.

Mr. Bostock stated that he strongly believes that having one person serve as Mayor for several years makes that person better able to represent the interests of his or her own town on county, state and federal matters, as well as, matters where several municipalities work together for a common goal. So, he requested that the Township Attorney prepare an analysis of options available to address this concern. Thereafter, a memorandum prepared and submitted to the Council by Mr. Nerwinski on January 20th, outlining the various forms of government provided under The Optional Municipal Charter Law (The Faulkner Act) and how they can change their current method of selecting a Mayor, was discussed.

Mr. Bostock advised that the Act provides for a Mayor to be directly elected by the voters for a four-year term without changing the Council-Manager Plan under which the Township currently operates or adding an additional expense. Further, the person elected would have the same powers as the Mayor does currently with the same resources available to them - its just the person will serve for a four-year term and be elected by the voters instead of the Mayor's position being rotated on an annual basis amongst the members of the Governing Body and proceeded to reiterate his opinion regarding the benefits of enacting such change and how the Council could enact an Ordinance that would place the referendum on the November ballot.

Mr. Puliti stated he understands Mr. Bostock point and with all due respect they get the question all the time "Who's the Mayor this year?" So, he started generating some public conversation with regards to enacting a policy that would have the Mayor serve for more than one term or be elected by the voters, as he had a concern that the change might be misconstrued with the concept of a Strong-Mayor form of government that some municipalities operate under being the public does not always understand the various forms of government that a municipality can operate by – such as Lawrence Township that currently operates under a Council-Manager form of government and each member of Council has equal legislative powers no matter how they are selected or if they rotate the position each year.

Mr. Puliti further stated there is an old memorandum that he cannot locate at the present time outlining a case study that was done concerning the reorganization of the Township, and that the memo stated the reorganization of the Township should not take place every year; it should only be done on the year of a municipal election. Further, he feels they should be looking at the way they are performing under the current Charter - not how the Mayor is chosen, and if they should be reorganizing every two years instead of annually, as he believes it is being done incorrectly. A brief discussion took place relative to Mr. Puliti's comments and a similar case taking place in another County relative to the Reorganization process.

Mr. Nerwinski advised if the Council was to interpret the express language of the Ordinance he could easily present the position that the Town Council should reorganize immediately following the municipal election; meaning the appointment of Mayor would take effect immediately following the election. And, if the Council would like him to revisit the issue he would do further research and provide them with an opinion on the matter.

Mayor Powers stated Lawrence Township is a partisan form of government operating under the Council-Manager Plan, but if the Township started operating like a Strong-Mayor form of government that could create confusion, as well as, an awkward situation if the person chosen to be Mayor is

from the minority party and proceeded to discuss the City of Trenton's form of government. A brief discussion followed relative to the comments.

Mr. Kownacki stated his concern is with the problems that could arise if they chose a Mayor to serve for a four-year term and every two years the Township has to reorganize and within that timeframe two member's term expires and one decides to run for Office of Mayor what will happen in that situation. So, it would be better if they appointed a person to serve as Mayor for a two-year term instead of a four-year term.

Mr. Nerwinski stated for clarification purposes if the Mayor is directly elected it would be only for a four-year term; the option is not available to have Mayoral election every two years. And, the one, two or four-year term, is an option available if the person is appointed by the Council.

Mrs. Mount stated the memorandum provided by Mr. Nerwinski to the Council was very good and that the majority of towns she is familiar with, the Council makes the decision as to how many years the Mayor serves in the position which varies from one, two or three years, sometimes even longer depending on the demands of the other Councilmembers and what they decide upon.

Mrs. Mount further stated she feels it is a benefit in terms of what the Council does as elected officials and a much friendlier way to choose a Mayor as opposed to going through the whole election process. And, advised perhaps they could do it in steps to give them time to decide if they would like to continue their current process of selecting a Mayor or if they would like to go through an election process to select the Mayor for a four-year term; but she does not feel they should go from the current process straight into an election process and proceeded to elaborate on the matter.

An at length discussion took place amongst the Council between comments relative to the various forms of government and terms of office, a shift in political parties and members of various political parties working together and placing the question on the November ballot for the voters to decide.

In closing, Mayor Powers reiterated his previous comments with regards to Lawrence Township being a partisan form of government and the awkwardness the change could create for a Mayor that is not part of the partisan majority, as each member of the Council has a equal legislative vote and the Mayor chairs and advocates on behalf of the Council for one year unlike the State Legislation that provides a non-partisan form of government as an option to the people. And, further advised under Lawrence's present form, the Council works well together and for what is in the best interest of the Township. Some discussion followed relative to the Mayor's comments.

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Mrs. Mount reported that Sustainable Jersey has come out with its latest brochure that includes new recommendations regarding sustainability and information concerning the New Jersey Certification Program and indicated if anyone is interested they can review the information on their website.

Mrs. Mount also reported that Ms. Millner, who works for St. Lawrence Rehabilitation Center will be sponsoring a Safety Seat Inspection Program on Saturday, June 5th, where parents can go and get their child's safety seats inspected for free by the Police and proceeded to discuss the statistics with regards to how many safety seats are improperly installed each year and the benefits of the program.

New Business –

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

8:41 P.M.

Respectfully submitted by,

Kathleen S. Norcia, Municipal Clerk

Attest:

Michael S. Powers, Mayor