

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

October 5, 2010

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, October 5, 2010, 2010 at 7:00 P.M.

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

Mayor Powers reminded all interested parties that the next Council meeting will be held on October 26th due to the Municipal Manager's trip to Sweden and proceeded to discuss the Boil Water Advisory that is in affect due to contamination in the water supply and the lack of communication on behalf of the City of Trenton with regard to Noticing the surrounding towns. In addition, he commended the Municipal Manager and his staff on the excellent job they did in responding to the water emergency, and the Public Works and Recreation Departments for the excellent job they did for Community Day.

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, October 5, 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

Mayor Powers stated although there are no proclamations or honors formally on the Agenda, this month is “Lawrence Township History Month” and

called Dennis Waters, Township Historian, to the podium who provided a brief overview of upcoming plans, as well as, what has and will be happening in the local historical community, after which he thanked the Township Council and the Administration for their ongoing support of history that has helped to shape Lawrence into a more vibrant community.

Mayor Powers stated at the last meeting there was a representative present from the Susan B. Komen South Jersey Affiliation in honor of breast cancer awareness month that he was unaware of, and because he did not acknowledge their affiliation and the important role the organization plays in promoting breast cancer awareness at the last meeting he would like to extend a sincere apology to the organization's representatives, Ms. Elizabeth Seigel and Ms. Rochelle Hammer, for the unfortunate oversight.

Review and Revisions of Agenda

The Municipal Clerk requested that Resolution (7C); An Ordinance Establishing a Mid-Block Crosswalk on Blackwell Road, Township of Lawrence, County of Mercer, State of New Jersey be added to the Agenda.

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

Discussion and Review of Policies and Procedures for Posting on the Cable Television Public Access Channel

Mayor Powers provided a brief history relative to the Cable Telecommunications Advisory Committee function and the agenda that they have been working on for some time now regarding the PEG channels and the contents that could be placed on the Township's website. He then turned the floor over to the following members, James Williams and Bryan Smith, who briefly discussed some of the cable telecommunication issues they have worked through with Comcast and Verizon on a regular basis, and a review of the four-

page report that defines and outlines the proposed policies and procedures, as well as, the unique issues surrounding the Government Access Channel.

Afterwards, an at length discussion, question and answer session took place relative to some of the following policies and procedures for the Government Access Channel – such as the definition, policy statement, cable provider channel designation, types of sanctioned programs, access policy, access priorities, management of the government access channel, editing policy, endorsements, promotions, programming restrictions, use of equipment, copyright of programs, archiving and disposition of broadcast material and consistency with Inter-Local Agreement.

In closing, Mayor Powers and Council applauded and thanked Chairman Abe Abramovich and the rest of the Committee members for the great responsiveness and problem solving they provide to the residents of Lawrence regarding cable television issues, as well as, all the hard work they did in drafting the Cable Television Ordinance, after which it was the consensus of the Council that a Resolution be prepared for the October 26th Council meeting with the amendments that were decided upon.

Mr. Krawczun advised that the policy will also be equivalent to the Township website, as they will be using the same standards for both the website and the PEG channel.

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Ms. Judith Brickman, Fox & Roach Realtors, Princeton, New Jersey stated she is a resident of Lawrence Township and has been selling real estate in the Township for the last 26 years and she is present to discuss the proposed Sign Ordinance that prohibits realtors from displaying their Open House directional signs on public property and removal of commercial signs within 7 days after closing or settlement, especially, given the unprecedented real estate market, where there is a tremendous amount of inventory of houses in Lawrence Township to be sold and proceeded to discuss the importance of advertising Open Houses, as it relates to the companies' clients, who pay taxes in the Township, and their properties being successfully advertised for lease or sale, after which she urged the Council to reconsider their position on the proposed changes to the Ordinance.

Mayor Powers thanked Ms. Brickman for her comments and advised from the Council's perspective they have to balance competing interest, as there is a commercial interest with respect to the real estate community and an aesthetic interest that the Council is trying to balance with respect to the Open House exceptions and signs being displayed offsite, after which an at length discussion followed relative to the legal placement of real estate signs so that they are not

blocking the public right-of-ways and written consent for the placement of signs on private property.

Mr. Falk Engle, 10 Barnett Road, stated the he has been following along with the conversation and for clarification purposes they have streamlined the Sign Ordinance to a large extent on behalf of realtors, as the written consent requirement has been removed which will help facilitate the process considerably, and he believes the exemplary text that has been incorporated in the proposed Ordinance regarding the First Amendment that protects citizens rights to view point and commercial speech will help reduce some of the burden businesses might find onerous, to include some of the things related to realtors, and that the changes to the Ordinance will do the Township proud.

Mr. Engle stated there is one element that he believes is a problem that he would like to address and he has prepared a memo which was submitted to Mr. Nerwinski for review. And, indicated subsequent to the last Council meeting the lawyers were made quite nervous by the proposed categorical ban of balloons on real estate signs and after researching the issue the problem he found is if the Township singles out a particular domain of commerce, as in this case it would be realtors, for a specific burden that is viewed under legal review as discriminatory motive or discriminatory intent, that would disqualify the Ordinance under the time, place, manner standard of intermediate scrutiny that the Township is trying to achieve to prevent future litigation.

Mr. Engle proceeded to discuss in detail the time, place, manner regulations and restrictions that must be content, subject matter and viewpoint neutral with a non-discriminatory motive or intent and the possible challenges with respect to litigation that could arise if they choose to proceed with the categorical ban of balloons on any kind of signs and suggested they create a limitation of (3) three balloons on a sign instead of the blanket prohibition of balloons, which the Township can not defend. In closing, he strongly urged the Council to use the time, place, and manner restriction, as it applies to the Sign Ordinance, as it is defensible and would prevent another costly lawsuit.

An at length discussion, question and answer session took place relative to the balloons being treated as a commercial sign and defendable litigation, setting a policy that would limit the number of balloons that can be placed on signs and the legal ramifications with regards to the proposed blanket ban of balloons on commercial and real estate signs.

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Adoption of Minutes

There were no minutes for adoption.

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Introduction of Ordinances

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

Mr. Krawczun advised that the Ordinance establishes a mid-block crosswalk on Blackwell Road that will connect from Mercer County Northwest Park to the site of the Hunt House and proceeded to the discuss the new procedures surrounding the approval process for the installation of mid-block crosswalks within Lawrence Township.

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   |     |         |        |         |       |        |

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Mayor Powers read by title an ordinance entitled, "ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF LAWRENCE TO AMEND THE REGULATION OF SIGNS"

Mr. Bostock motioned for the Ordinance to be **tabled** which would give the Council additional time to evaluate the comments that were provided by the Mercer County Board of Realtors with respect to the display of real estate signs and to define and clarify some of the language regarding commercial signs. There was no second on the motion to table the ordinance.

After a lengthy debate with regards to Councilman Bostock's motion to table the ordinance and amending the language regarding commercial lawn signs in all districts, including but not limited to real estate signs and to permit a maximum of (1) one balloon with a tether no more than 12 inches in length on real estate signs, the Ordinance was introduced and amended on the following roll call votes:

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   |     |         |        |         |       |        |

The Ordinance was **amended** and approved 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, "AN ORDINANCE AUTHORIZING THE ACQUISTION OF RIGHT-OF-WAY FROM PROPERTY KNOWN AS 179 CARTER ROAD (PART OF BLOCK 7701, LOT 11) IN THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, STATE OF NEW JERSEY"

Mr. Krawczun advised that the property is located at the intersection of Carter and Cold Soil Roads and that the intersection is controlled by a traffic signal and Mercer County Department of Transportation will be creating a right turn lane from Carter Road onto Cold Soil Road and there is a need to extend the lane width at that property location. He further advised that an Ordinance had been previously amended to provide funding for the purchase of the right-of-way that will enable Lawrence to move forward with the acquisition. A short discussion followed relative to the cost and cleanup of the project.

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   |     |         |        |         |       |        |

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Resolutions

Mr. Bostock posed a public safety question regarding Resolution (8-I), Authorizing the Firing of a Cannon to Mark the Start of “Birdies for the Brave” Golf Tournament at Jasna Polana as it relates to the firing of the cannon and alerting the public, after which there was a question and answer period relative to public safety measures that have been put in place for the event.

A brief discussion took place relative to Resolution (8-F), Authorizing Appointments to the Rent Stabilization Board and the membership requirements to be appointed to the Board.

Resolution Nos. 352-10 (8A) thru 360-10 (8I) 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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Awarding or Rejecting of Bids

There was no award or rejection of bids.

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Adoption of Ordinances

Mayor Powers read by title an ordinance entitled, “AN ORDINANCE AMENDING CHAPTER 13 OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE ENTITLED ‘MOTOR VEHICLES AND TRAFFIC’ – Handicapped Parking”

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. 2064-10

AN ORDINANCE AMENDING CHAPTER 13 OF THE  
LAWRENCE TOWNSHIP ADMINISTRATIVE CODE  
ENTITLED 'MOTOR VEHICLES AND TRAFFIC'

BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that Chapter 13 of The Lawrence Township Administrative Code entitled 'Motor Vehicles and Traffic' be and is hereby amended as follows:

Section 1. Article II – Stopping, Standing and Parking

Sec. 13-4 – Parking prohibited – At any time, except by vehicles bearing special identification for handicapped persons.

(5) Special Vehicle Parking (Handicapped)

Restricted parking spaces shall be established as set forth below and only those persons who are handicapped and who possess a special vehicle identification shall park in such designated parking space.

- a. 64 feet eastbound from the prolonged curb line of Brunswick Pike and Valley Forge Avenue (S/E corner) for a distance of 22 feet on Valley Forge Avenue on the south side of 1894 Brunswick Pike.
- b. 138 feet eastbound from the prolonged curb line of Brunswick Pike and Pear Street (N/E corner) for a distance of 22 feet in front of 766 Pear Street.
- c. 340 feet eastbound from the prolonged curb line of Rt. 206 (Lawrence Road) and Fairfield Avenue (S/E corner) for a distance of 22 feet in front of 81 Fairfield Avenue.
- d. 165 feet westbound from the prolonged curb line of Brunswick Avenue and Vermont Street (S/W corner) for a distance of 22' in front of 11 Vermont Street.
- e. 285 feet eastbound from the prolonged curb line of Princeton Avenue and Myrtle Avenue (S/E corner) for a distance of 22 feet in front of 55 Myrtle Avenue.
- f. 180 feet westbound from the prolonged curb line of Hopewell Avenue and Slack Avenue (S/W corner) for a distance of 22 feet in front of 115 Slack Avenue.



- g. 155 feet southbound from the prolonged curb line of the driveway belonging to West Gate apartments (S/W corner) on Princeton Pike for a distance of 22 feet in front of 2099 Princeton Pike.
- h. 263 feet eastbound from the prolonged curb line of Princeton Avenue and Myrtle Avenue (S/E corner) for a distance of 22 feet, in front of 57 Myrtle Avenue.
- i. 358 feet westbound from the prolonged curb line of Brunswick Avenue and Spruce Street (N/W corner) for a distance of 22 feet, in front of 860/862\_Spruce Street.
- j. 570 feet eastbound from the prolonged curb line of Lanning Avenue and Princeton Avenue for a distance of 22 feet in front of 933 Lanning Avenue.
- k. 335 feet eastbound from the prolonged curb line of Slack Avenue and Princeton Pike (S/E corner) for a distance of 22 feet in front of 135 Slack Avenue.
- l. 370 feet westbound from the prolonged curb line of Lawrence Road and Titus Avenue (N/W corner) for a distance of 22 feet in front of 14 Titus Avenue.
- m. 346 feet eastbound from the prolonged curb line of Brunswick Avenue and Puritan Avenue (N/E corner) for a distance of 22 feet in front of 750 Puritan Avenue
- n. 204 feet westbound from the prolonged curb line of Ohio Avenue and Puritan Avenue (N/W corner) for a distance of 22 feet in front of 716 Puritan Avenue
- o. 463 feet eastbound from the prolonged curb line of Princeton Avenue and Myrtle Avenue (S/E corner) for a distance of 22 feet in front of 35 Myrtle Avenue
- p. 324 feet eastbound from the prolonged curb line of Princeton Avenue and Myrtle Avenue (S/E corner) for a distance of 22 feet in front of 51 Myrtle Avenue

- q. 141 feet eastbound from the prolonged curb line of Slack Avenue and Princeton Pike (S/E corner) for a distance of 22 feet, in front of 143 Slack Avenue
- r. 54 feet eastbound from the prolonged curb line of Puritan Avenue and Brunswick Pike, for a distance of 22 feet

Section 2. This ordinance supercedes all previous ordinances that relate to the designation of handicapped parking on streets and roadways within the Township of Lawrence.

Section 3. Severability.

If any provisions of this ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions, which shall be deemed severable therefrom.

Section 4. Repealer.

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

Section 5. Effective Date.

This ordinance shall become effective twenty (20) days following the adoption thereof in accordance with law.

Additions are underlined \_\_\_\_\_  
 Deletions are bracketed [ ]

The Ordinance 2064-10 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   |     |         |        |         |       |        |

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**Manager’s Report –**

Mr. Krawczun reported that the New Jersey Department of Transportation received approval last week from the Federal Highway Administration for additional funding for the engineering project on Business Route 1 and that they received the full amount of funding necessary to complete all phases of the engineering work which should be completed in addition to the acquisition right-of-way in time for the fall 2012 construction schedule. A brief discussion followed relative to the DOT’s contract settlement and the construction schedule and cost.

Mr. Krawczun advised last week the Council was provided copies of a questionnaire regarding Local Government Best Practices and that the Administration was successful in answering the required number of questions in the affirmative, as they answered 76 yes’s in the affirmative, 11 no’s and 1 non-applicable, and they anticipate receiving the full allocation of State aid for the last payment of 2010. A short question and answer period relative took place relative to some of the questions the Administration answered “no” to.

Mr. Krawczun stated yesterday just after 1 p.m. the Administration was notified by cell phone from the Mercer County Office of Emergency Management about a water pressure issue as a result of the Trenton Water Utility not being able to actively use all of their pumps at the pumping station due to the water level problem in the Delaware River and proceeded with a general overview of the emergency situation and a timeline of events that led up to the Boil Water Advisory being issued by NJDEP, and the County Reverse 911 system being utilized to notify Lawrence Township residents of the emergency.

Afterwards, discussion took place relative to the public health concern and the lack of communication and proper notification with regards to the water emergency from Trenton Waters Works, as well as, the delay with the County Reverse 911 system and future dialogue that should take place between the County, City of Trenton, Lawrence Township and other adjoining municipalities regarding a course of action and preventive measures for future notification and responses to emergencies.

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**Attorney’s Report –**

There was no Attorney’s report.

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**Clerk’s Report –**

There was no Clerk’s report.

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**Written Communications –**

There were no written communications.

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**Old Business –**

Mr. Kownacki stated at the last meeting the evaluation for the Municipal Manager was postponed and it was his understanding that it was supposed to be reviewed at tonight’s meeting and inquired as to the status of the evaluation.

Mayor Powers apologized for the lack of communication and advised that the evaluation has been rescheduled for the October 26<sup>th</sup> Council meeting.

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**New Business –**

There was no new business.

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

9:03 P.M.

Respectfully submitted by,

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Kathleen S. Norcia, Municipal Clerk

Attest:

\_\_\_\_\_  
Michael S. Powers, Mayor