

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

September 7, 2010

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, September 7, 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, September 7, 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.

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Proclamations and Honors

Mayor Powers stated there are no proclamations or honors on tonight's Agenda, but next week is “National Assisted Living Week” and they will be having a celebration at St. Lawrence Rehabilitation Center on September 13<sup>th</sup> at 1:00 p.m. and asked that everyone mark their calendars accordingly.

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Review and Revisions of Agenda

There were no revisions to the agenda.

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### Public Participation

Mr. Peter Radice, 6 Dennick Court, stated he would like to thank the Council for putting the Resolution of Support on the Agenda for Senate Bill No. 426 sponsored by Senator Shirley Turner, which will require nonpublic secondary schools and independent institutions of higher education to reimburse school districts for educational costs of students residing in tax exempt housing and advised that the New Jersey School Board Association is considering the passage of a similar resolution and he thinks the New Jersey League of Municipalities could possibly follow suit.

Mr. Radice further discussed two local newspapers that have been giving notability to Lawrence Township High School students and the athletics program which he feels is a great credit to the community.

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

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### Adoption of Minutes

On a motion by Mr. Puliti, seconded by Mrs. Mount the Minutes of the Regular Meeting of June 1, 2010 and June 15, 2010 were approved without corrections.

Same was carried on the following roll call vote:

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

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On a motion by Mr. Puliti, seconded by Mrs. Mount, the Minutes of the Special Meeting of June 24, 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.

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On a motion by Mr. Puliti, seconded by Mrs. Mount, the Minutes of the Closed Session Meeting of July 6, 2010 and August 3, 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.

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Introduction 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."

Mr. Krawczun advised that the Ordinance deletes a handicapped parking space in front of 749 Puritan Avenue.

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. Krawczun provided a detailed review of Resolution (8L); Authorizing Amending Professional Service Contract for Special Counsel in the Matter of Carter Road Homeowners Association v. Planning Board, and Resolution (8Z); Authorizing Awarding Request for Proposal #4, Automated Photo Enforcement Program for Four Intersections, after which there was some discussion relative to the traffic program and expenditures related to both resolutions.

Mr. Bostock requested that the following Resolutions be voted upon separately - (8L); Authorizing Amending Professional Service Contract for Special Counsel in the Matter of Carter Road Homeowners Association v. Planning Board, and Resolution (8CC); Authorizing the Support of Senate Bill No. 426 Requiring Nonpublic Secondary Schools and Independent Institutions of

Higher Education to Reimburse School Districts for Educational Costs of Students Residing in Tax Exempt Housing, after which he discussed the philosophical reasons behind his decision to not support the bill, S426, proposed by Senator Shirley Turner, and distributed a draft copy of an alternative resolution that he feels would be a more comprehensive approach to the issue for the Council to review, consider and possibly put forth at the next meeting.

Mayor Powers thanked Mr. Bostock for the proposed resolution, but indicated from a legal perspective the Township Council has no jurisdiction in terms of the classification of properties that are tax exempted for the purposes of paying taxes being that is determined by Legislators. And, Senator Shirley Turner already has a bill pending in a true forum where action can be taken legislatively. Further, for the record, the Township Council has proactively gone out to The Lawrenceville School and a number of other intuitions to seek municipal voluntary contributions which The Lawrenceville School has done and proceeded to elaborate on past efforts regarding voluntary contributions that would benefit the taxpayers of Lawrence.

Mr. Bostock apologized for not getting the draft resolution to his colleagues in advance and stated he is not suggesting that the Township Council has the authority to reclassify anything, as he is well aware that it is not within their jurisdiction; but, what he is suggesting is that they ask the members of the legislative delegation to support legislation that would remove the current property tax exemption for housing provided by not-for-profit educational institutions that are not used for education purposes and proceeded to elaborate on the proposed bill that has been pending action for 9 years.

Mr. Puliti stated he is looking forward to working with Mr. Bostock on his resolution and that the resolution supporting bill, S426, scheduled for adoption later in the evening certainly brings awareness to the Legislators and the residents that the Council is attempting to do something concerning their taxes. So, that is why, he will be supporting Resolution (8CC) and most likely the resolution Mr. Bostock proposed once the final draft is complete.

Mr. Kownacki stated at the last Council meeting they discussed the idea of looking to see if anything else was done legislatively that would allow them to get tax exempt properties on the tax rolls and questioned whether or not anyone had time to research the issue; and, if so, what was the outcome being Senator Turner's bill has been pending since 2001. After a brief discussion, there was no alternative legislation found to support the issue.

Mr. Krawczun advised that he forwarded an email with an updated list of the tax exempt and taxable properties owned by The Lawrenceville School with the potential estimated land value for 2010; but after the email was sent out the Administration was able to produce a map that shows the exact location of the exempt properties. He further distributed copies of the map to the Council and

provided a brief summary of the exempt and taxable properties and stated if there are any questions, to please feel free to contact him, after which there was a brief question and answer period relative to assessments for the taxable properties.

Resolution Nos. 303-10 (8A) thru 344-10 (8BB) with the exception of Resolution (8L), (8X) and (8CC) 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.

Resolution No. 314-10 (8L) 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.

Resolution No. 326-10 (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.

Resolution No. 331-10 (8CC) was approved by 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						

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

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Awarding or Rejecting of Bids

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. On a motion by Mr. Puliti, seconded by Mrs. Mount the following resolution was presented for adoption:

Resolution No. 332-10

WHEREAS, on Thursday, August 26, 2010 bids were received and publicly opened for the project known as **Johnson Trolley Line Trail**; and

WHEREAS, four (4) bids were received and reviewed by the appropriate Township Officials; and

WHEREAS, the lowest responsible bidder was Image Contractor's who submitted a bid in the amount of \$21,175.50, and

WHEREAS, in accordance with N.J.A.C. 5:50-14, a Certificate of Availability of Funds has been provided and the accounts to be charged are G-02-40-930-299; G-02-40-742-299; G-0240-855-299 and 0-16-56-843-299; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that pursuant to the recommendations of the Municipal Engineer, the Mayor and Municipal Clerk are hereby authorized to execute a contract with Image Contractor's, 28 Maple Street, Old Bridge NJ 08857 in the amount of \$21,175.50; and

BE IT FURTHER RESOLVED that the Municipal Manager is hereby authorized to draft the necessary agreement, subject to the approval of the Municipal Attorney as to form and content thereof.

Same was carried on the following roll call vote:

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

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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. On a motion by Mr. Puliti, seconded by Mrs. Mount the following resolution was presented for adoption:

Resolution No. 333-10

WHEREAS, on Thursday, August 26, 2010 bids were received and publicly opened for the project known as **2010 Concrete Program**; and

WHEREAS, three (3) bids were received and reviewed by the appropriate Township Officials; and

WHEREAS, the lowest responsible bidder was Diamond Construction who submitted a bid in the amount of \$27,870.00 and

WHEREAS, in accordance with N.J.A.C. 5:50-14, a Certificate of Availability of Funds has been provided and the account to be charged is C-04-55-336-242; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that pursuant to the recommendations of the Municipal Engineer, the Mayor and Municipal Clerk are hereby authorized to execute a contract with Diamond Construction, 35 Beaverson Boulevard, Brick NJ 08723 in the amount of \$27,870.00; and

BE IT FURTHER RESOLVED that the Municipal Manager is hereby authorized to draft the necessary agreement, subject to the approval of the Municipal Attorney as to form and content thereof.

Same was carried on the following roll call vote:

Ayes: Councilmembers Bostock, Kownacki, Puliti, Mount, Mayor Powers

Nays: None.

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Adoption of Ordinances

Mayor Powers read by title an ordinance entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 1137-88 ENTITLED 'AN ORDINANCE ADOPTING LOCAL AMENDMENTS TO THE NEW JERSEY UNIFORM FIRE SAFETY CODE'"

Ordinance No. 2062-10

AN ORDINANCE AMENDING ORDINANCE NO. 1137-88 ENTITLED  
AN ORDINANCE ADOPTING LOCAL AMENDMENTS TO THE  
NEW JERSEY UNIFORM FIRE SAFETY CODE

BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey that An Ordinance Amending Ordinance

No. 1137-88 Entitled 'An Ordinance Adopting Local Amendments to the New Jersey Uniform Fire Safety Code' be and is here amended as follows:

Section 1.

F-4003.02 Markings

A. Signs constructed of metal and with [raised] red letters.....

F-4003.12 Violations and Penalties:

Any person..... (NJAC [5:18] 5:70, subchapter 2)

Section 2. Repealer

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

Section 3. Severability

If any section, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason, the remaining portions of said ordinance shall not be affected thereby and shall remain in full force and effect.

Section 4. Effective Date

This ordinance shall take effect twenty (20) days after adoption thereof.

Additions underlined      \_\_\_\_\_  
Deletions in brackets      [   ]

The Ordinance 2062-10 was adopted 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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**Manager's Report –**

Mr. Krawczun submitted invoice listings for the month of July 2010 in the amount of \$1,574,024.67, and August 2010 in the amount of \$1, 270,373.39.

Mr. Krawczun reported for some time now the Administration has been working with Mercer County to improve the intersection of Princeton Pike at Project Freedom and that they were advised by the County that the striping to create a left turn lane into Project Freedom has been scheduled, as well as, the rapid flashing blinkers that will replace the current flashers. Further, there will be a slight delay relative to the installation of the blinkers as it was determined that the amount the County is purchasing exceeds the bid threshold; therefore, they have to go out to bid.

Mr. Krawczun stated that a bid proposal was put out for the Garbage Contract and that an Analysis Report was prepared reflecting the differences in cost if the garbage collection was done in-house by the Public Works Department, as opposed to being contracted out annually. Mr. Krawczun indicated after reviewing the report it was determined that there is no financial incentive or economic savings with regards to cost, equipment, manpower etc., that warrants a change to the garbage collection process including bulk waste as there is no benefit in risking the interruption of such a vital municipal service. He then proceeded with a comprehensive review of the various options listed in the bid proposal, after which there was a question and answer period and remarks from the Council relative to the garbage collection options.

Mr. Krawczun advised that he sent out a memo regarding the Cable Television Policy and Procedures as suggested by the Cable Advisory Committee, and asked the wishes of the Council with regards to discussing the policy now or later. After a brief discussion, it was the consensus of the Council to discuss the matter at the September 21<sup>st</sup> meeting.

Mr. Krawczun reported that the Administration has been working closely with DEP with regards to some of the activities that have taken place during the months of July and August at the Pit Stop location and surrounding areas and advised that the shallow well testing of the monitoring wells came back with amounts of contaminants below water quality standards; but the two deep water wells exceeded the groundwater quality standards. Therefore, they are working with DEP to determine whether there is any concern over vapor intrusion into households, which DEP feels is not problematic due to the shallow water results testing below quality standards.

Mr. Krawczun further advised that DEP, the Health Office and a private Environmental Engineer are all working together on a list to make certain that they have clearly identified all the residents in that location who still have wells and the ones that remain to be tested and proceeded to elaborate on a Fact

Sheet that DEP will be updating periodically to keep them alerted as to what is taking place at the site, environmental sampling and a community meeting to update residents on the progress.

Mr. Krawczun reported that the Administration is going to be meeting internally next week on the Sign Ordinance from Clarke Caton Hintz, and that they have been very successful in finding some data that would support the reasons for the sign ordinance standards, particularly for billboards and proceeded to discuss the research that was found with regards to attention spans of drivers, distractions and them not being able to react to traffic conditions at certain length of times during certain environmental conditions. Further, they plan to have it prepared for introduction at the September 21<sup>st</sup> meeting, after which it will go back to the Planning Board for a consistency review then returned back to the Council for the finalization. A short discussion question and answer period took place relative the revisions and set policy of the sign ordinance.

**A. Draft Resolution for Discussion – Complete Streets Program**

Mr. Krawczun distributed a draft Resolution regarding the adoption of policy for the Complete Streets Program and advised that the program simply provides access and operation conditions for motor vehicles, pedestrians, bicycles, and public transit facilities that would help create a safer environment for pedestrian safety and traffic calming measures, and that the proposal which was first introduced to the Planning Board is based on a combination of two grants. He then proceeded to discuss his support for the Complete Streets initiative and policy as it relates to public street projects, both new construction and reconstruction undertaken by the Township being designed and constructed as “complete streets” whenever feasible, to help improve safety accommodations for travel of pedestrians, bicyclist, public transit and motorized vehicles and their passengers.

Afterwards, an at length discussion took place relative to the “clean streets” initiative and the plan being consistent with the Master Plan, as well as, the favorable response the proposal received by the Planning Board, after which there was a question and answer period and a few remarks from members of Council regarding the program.

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**Attorney’s Report –**

**A. Lawrenceville Garden Apartments – Application for Capital Improvement Rent Increases**

Mr. Nerwinski stated he received correspondence from Archer and Greiner, P.C. on behalf of their client, Lawrenceville Garden Apartments,

regarding a situation that has been lingering around for a couple of years due to the Township's inability to impanel a Rent Control Board; although, they have tried over the year to get volunteers together to panel the Board with no success. So, in light of the situation, the Lawrenceville Garden Apartments is now requesting that the Township take alternative action, as there has been a disregard to certain cost expenses that has been occurring over the years that requires an increase in rent.

Mr. Nerwinski advised that he has spoken to Municipal Manager about the situation in addition to calling the Department of Community Affairs to find out the most appropriate alternative method on how to proceed and whether or not the Council, Municipal Manager or another Board - such as the Construction Board of Appeals could act on behalf or carry out the duties of the Rent Control Board. He further indicated he would be providing Mr. Krawczun with a recommendation in a few days as to how to proceed with the matter. A short discussion took place relative to past solicitation of volunteers and the lack of response the Township received.

Mr. Nerwinski stated as a follow-up to the last month's Council meeting regarding Mr. DiDonato's displeasure with the Council's response to deny his request for an extension of deadline to file his Appellate Brief that was coming due, the Court extended the deadline for Mr. DiDonato to submit the Brief to September 21<sup>st</sup> and October 20<sup>th</sup> for the Council and Planning Board.

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### **Clerk's Report –**

Mrs. Norcia stated that she was approached by Brenda Kraemer, Assistant Engineer, about the Council's plans to fill the vacancy on the Zoning Board; and, so far, she has received three applications for the position, two from applicants that are currently serving on the Zoning Board and would like to be moved from alternate members to full members and one from a new applicant and proceeded to ask the wishes of Council with regards to scheduling interviews. After some discussion relative to vacancies and filling the open slots, Mayor Powers requested that the Municipal Clerk set up 15 minute interviews starting at 6:00 p.m. for each applicant.

Mrs. Norcia indicated at the last Council meeting they discussed rearranging the October meeting dates due to a conflict of schedules and ask the Council wishes as to which dates they would like to change or keep. After some deliberation, the final consensus was to change the October 19<sup>th</sup> meeting date to October 26<sup>th</sup>, the November 4<sup>th</sup> date to November 9<sup>th</sup> and leave the November 23<sup>rd</sup> date the same.

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**Written Communications –**

There were no written communications.

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**Old Business –**

Mr. Bostock stated at the last meeting a resident from Graf Avenue came before the Council and spoke about the Open Space behind his property and kids creating bicycle paths in the area behind his house and advised that he went out and investigated the complaint and found that the kids have created a huge motocross kind of trail with ramps, jumps and all sorts of other things, which is clearly not in the spirit of what the space was intended to be used for and it is quite apparent that the situation has become a nuisance to the residents in that area, as well as, a potential safety hazard because the ramps are not being engineered properly and someone can get seriously hurt and questioned what could be done about the situation.

Mr. Krawczun advised that he has spoken with the Chief of Police about the problem and the Public Works Department, who will investigate the area and make the appropriate recommendation to alleviate the problem; so, as soon as he receives information on the matter he will update Council on the status. A short discussion followed relative to the issue and possible solutions.

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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.

8:31 P.M.

Respectfully submitted by,

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Kathleen S. Norcia, Municipal Clerk

Attest:

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Michael S. Powers, Mayor