

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

December 6, 2011

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, December 6, 2011 at 7:00 P.M.

The meeting was opened with the Inspiration and Pledge of Allegiance, led the students from the Lawrence Intermediate School.

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

STATEMENT OF PROPER NOTICE: “Adequate notice of this meeting of the Lawrence Township Council being held on Tuesday, December 6, 2011, 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, Powers and Mayor Puliti.
Absent: None.

Also, in attendance were Richard S. Krawczun, Municipal Manager, and Michael W. Herbert, Esq., Municipal Attorney.

Review and Revisions of Agenda

The Municipal Manager advised that the Agenda needs to be revised to include Resolution (8-AA) - Authorizing the Appointment of School Traffic Guards for the 2011-2012 School Year and Resolution (8-BB) - Authorizing Awarding of Bid for Wall Repairs and Painting at the Lawrence Road Fire House to Golden Crown Contractors, Inc.

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

Same was carried on the following roll call vote:

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

Public Participation

Special Presentation: Lawrence Intermediate School – Walk This Way

Ms. Jane Milner, St. Lawrence Rehabilitation Center, stated that St. Lawrence Rehabilitation Center is the lead organization of the “Safe Kids Campaign” which is an international campaign designed to bring attention to pedestrian safety and prevent unintentional injuries to children under the age of 14 since pedestrian safety is the second leading cause of death in children under the age of 14. So, to fulfill their mission of educating children on how to walk to and from school safely they sponsor the “Walk This Way Program” along with FedEx, The Greater Mercer Transportation Management Association, Lawrence Township Police Department and the Lawrence Intermediate School. She then turned the floor over to the students who provided an in-depth review of their “Walk This Way” event, observations and recommendations with regards to pedestrian safety within the community. In closing, the students and staff of Lawrence Intermediate School thanked the Township Council for their continued support and participation in the program.

During the presentation the Student Teacher who was assisting the students with their presentation took a brief moment to thank the following special guests for their participation on October 6: Jane Milner, St. Lawrence Rehabilitation Center, Councilman Michael Powers, Councilwoman Pamela Mount, Mercer County Freeholder Pasquale Colavita, Officer David Burns and the Lawrence Township Police Department, Boomer and Bill Cook, Trenton Thunder, Art Murphy and the FedEx Staff, Dr. Crystal Lovell, Superintendent of Lawrence Township Schools and Andrew Zuckerman, Director of Correct Living Instruction.

Mayor Puliti thanked the students on behalf of the Council for the wonderful presentation, as well as, the feedback and good grade they gave to the Township regarding their findings, after which he welcomed the students to come back next year and give a report to the Council. In closing, Ms. Mount expressed the Council’s sincere appreciation to Ms. Milner and St. Lawrence Rehabilitation Center for all that they do for the community.

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

Adoption of Minutes

On a motion by Mr. Bostock, seconded by Mr. Kownacki, the Minutes of the Regular Meetings of August 2, 2011 were approved without corrections.

Same was carried on the following roll call vote:

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

Introduction of Ordinances

Mayor Puliti read by title an ordinance entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 2078-11 AMENDING CHAPTER 6A FEES: THE CONSOLIDATED LICENSE, PERMIT AND FEE CHAPTER OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE" – Recreation Fees

Mr. Krawczun advised that the Ordinance amends various sections of the Administrative Code regarding recreation fees and that it would specifically address the fee requirement for non-resident participants, participants who receive scholarships due to financial hardship, the refund requirement for withdrawing from a program and waive the temporary food license fee for Community Day participation to non-profit and not-for-profit organizations based in Lawrence Township. A short discussion followed relative to some of the changes.

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 | | | | | | X |
| Mrs. Mount | X | | | | | | |
| Mr. Powers | X | | | | | | |
| Mayor Puliti | X | | | | | | |

Resolutions

The Municipal Manager provided a brief summary of Resolution (7-T) - Authorizing 2012 Safe Routes to School Grant Application, Resolution (7-V) - Authorizing Cancellation of Unused Hurricane Irene Emergency Appropriations and Resolution (7-W) - Authorizing Cancellation of Unexpended Red light Camera Program Appropriation.

Resolution Nos. 340-11 (7A) thru 369-11 (8AA) with the exception of Resolution 367-11 thru 370-11 (Bid Awards) were 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. Powers | X | | | | | | |
| Mayor Puliti | X | | | | | | |

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

Awarding or Rejecting of Bids

Mayor Puliti asked for comments from the public. There being none, Mayor Puliti asked for comments from Council. There being none, public participation was closed. On a motion by Mr. Bostock, seconded by Ms. Mount the following resolution was presented for adoption:

Resolution No. 367-11

WHEREAS, on November 3, 2011, bids were received for Bid No. 11-24, Leasing Carson Road Woods for Farming; and

WHEREAS, one bid was received and reviewed by the Municipal Manager and the responsible bidder is Cherry Grove Farm, 3200 Lawrenceville Road, Lawrenceville, NJ who submitted a bid in the amount of \$1,000 for a five year period from December 31, 2011 through December 31, 2016; and

WHEREAS, the lease is to be paid by Cherry Grove Farm to the Township Manager's Office in five equal installments due not later than these dates:

- January 15, 2012
- January 15, 2013
- January 15, 2014
- January 15, 2015
- January 15, 2016

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that the Township is hereby authorized to award Bid No. 11-24, Leasing Carson Road Woods for Farming in the amount of \$1,000 for the period of December 31, 2011 and December 31, 2016.

Same was carried on the following roll call vote:

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

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Mayor Puliti asked for comments from the public. There being none, Mayor Puliti asked for comments from Council. There being none, public participation was closed. On a motion by Mr. Bostock, seconded by Mr. Kownacki the following resolution was presented for adoption:

Resolution No. 368-11

WHEREAS, on two separate occasions, October 28, 2011, and November 29, 2011, The Township of Lawrence requested bids for Lawrence Road Fire House Improvements; and

WHEREAS, no bids were received on both occasions, by The Township of Lawrence; and

WHEREAS, in accordance with N.J.S.A. 40A:11-5(3) when no bids are received on two occasions a contract may then be negotiated and awarded upon adoption by a two-thirds affirmative vote of the authorized membership of the governing body; and

WHEREAS, in accordance with N.J.A.C. 5:30-14, a Certificate of Availability of Funds has been provided and the account to be charged is C-04-55-248-255 (Improvements to Municipal Buildings \$5,645.37) and C-04-55-349-255 (General Building Major Repairs \$2,134.63);

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, two-thirds affirmative vote, that the Township is hereby authorized to award Contract to Environmental Connection, Incorporated, 120 Warren Street, Trenton, NJ 08608, in the amount of \$7,780.

Same was carried on the following roll call vote:

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

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Mayor Puliti asked for comments from the public. There being none, Mayor Puliti asked for comments from Council. There being none, public participation was closed. On a motion by Mr. Bostock, seconded by Mr. Kownacki the following resolution was presented for adoption:

Resolution No. 369-11

WHEREAS, on two separate occasions, October 28, 2011, and November 29, 2011, The Township of Lawrence requested bids for Lawrence Road Fire House Improvements; and

WHEREAS, no bids were received on both occasions, by The Township of Lawrence; and

WHEREAS, in accordance with N.J.S.A. 40A:11-5(3) when no bids are received on two occasions a contract may then be negotiated and awarded upon adoption by a two-thirds affirmative vote of the authorized membership of the governing body; and

WHEREAS, in accordance with N.J.A.C. 5:30-14, a Certificate of Availability of Funds has been provided and the account to be charged is C-04-55-248-296 (Improvements to Municipal Buildings \$17,709.00) and C-04-55-349-234 (General Building Major Repairs \$141.00);

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, two-thirds affirmative vote, that the Township is hereby authorized to award Contract to Bristol Environmental, 123 Beaver Street, Bristol, PA 19007, in the amount of \$17,850.

Same was carried on the following roll call vote:

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

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Mayor Puliti asked for comments from the public. There being none, Mayor Puliti asked for comments from Council. There being none, public participation was closed. On a motion by Mr. Bostock, seconded by Mr. Kownacki the following resolution was presented for adoption:

Resolution No. 370-11

WHEREAS, on two separate occasions, October 28, 2011, and November 29, 2011, The Township of Lawrence requested bids for Lawrence Road Fire House Improvements; and

WHEREAS, no bids were received on both occasions by The Township of Lawrence; and

WHEREAS, in accordance with N.J.S.A. 40A:11-5(3) when no bids are received on two occasions a contract may then be negotiated and awarded upon adoption by a two-thirds affirmative vote of the authorized membership of the governing body; and

WHEREAS, in accordance with N.J.A.C. 5:30-14, a Certificate of Availability of Funds has been provided and the account to be charged is C-04-55-298-265 (Improvements to Municipal Buildings) \$24,815.00;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, two-thirds affirmative vote, that the Township is hereby authorized to award Golden Crown Contractors, Inc., 4099 South Broad Street, Yardville, New Jersey 08620 a contract in the amount of \$24,815.00 for stucco repair and waterproof exterior walls, refurbish sheetrock, prime and paint at Lawrence Road Firehouse.

Same was carried on the following roll call vote:

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

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#### Adoption of Ordinances

Mayor Puliti read by title an ordinance entitled, "AN ORDINANCE AMENDING CHAPTER 12 OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE ENTITLED 'LICENSES'" – Precious Metals

Ordinance No. 2114-11

#### AN ORDINANCE AMENDING CHAPTER 12 OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE ENTITLED 'LICENSES'

BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that Chapter 12 of the Lawrence Township Administrative Code entitled 'Licenses' be and is hereby amended by addition of the following new section:

#### Section 1.

Article IV. Business Engaged in Purchasing Previously Owned Property

Section 12-23 License Required for a Business Engaged in Purchasing of Precious Metals, Gems and all Forms of Previously Owned Jewelry

Sec. 12-23.1 – License required; term of license.

No person shall engage in the business of the purchase of precious metals, gems and/or all forms of previously owned jewelry without first obtaining a license from the municipal clerk. Licenses shall be issued for a period of one year commencing May 1 and ending April 30 of the succeeding year.

Sec. 12-23.2 – Application for license, issuance or denial of license.

Upon receipt of an application for a license under this section, the municipal clerk shall refer such application to the division of police and the division of code enforcement for review and recommendation as to whether a license should be issued or denied. The review and the recommendation shall take no more than twenty days. The division of police shall institute such investigation of the applicant's moral character and business responsibility as it deems necessary for the protection of the public welfare. The division of code enforcement shall cause to be investigated weight and measure devices. Upon completion of the investigation, the division of police and the division of code enforcement shall return the application or a copy thereof to the municipal clerk, accompanied by a recommendation as to whether the license should be issued or denied. If the recommendation of the division of police and the division of code enforcement is to deny the license, the grounds for such recommendation shall be stated. Grounds for recommending denial of a license may include information indicating that the applicant is not of good moral character or is of questionable business responsibility and/or practices. A recommendation of denial shall be given if the applicant has been convicted of any crime involving dishonesty, fraud, deceit or misrepresentation. Upon receipt of the recommendation of the division of police and the division of code enforcement, the municipal clerk shall issue or deny the license accordingly. Any person aggrieved by such denial may appeal to the Township Council, who may confirm or reverse the denial as deemed advisable.

Section 12-24 Identification Required at Time of Sale

All licensees under this chapter shall require of each person offering an item for sale to produce a valid state or federal government issued photo identification. Once proof of identity is obtained, the person must sign a receipt for the item, acknowledging the sale.

Section 12-25 Records of Sales and Retention of Property

Each licensee under this chapter shall maintain records for each sale, for a minimum of five years, which shall contain a descriptive list or photograph of the item(s) purchased, any identifying numbers and a copy of the signed receipt that clearly states the name and address of the selling person and the date of



transaction. These records shall be delivered to the division of police each week. All precious metals and gems which are purchased or traded for shall be kept separate by transaction and shall be held for no less than ten days from the date of transaction or three business days from the date that the records are delivered to the division of police, whichever time period is greater.

Section 12-26 Bond

Each licensee under this chapter shall deliver a bond to the municipal clerk, executed by the applicant as principal, with a surety company authorized to do business under the laws of the state as surety. The bond, to be approved by the township attorney, shall be in the penal sum of \$5,000.00, conditioned for the due and proper observance of and compliance with the provisions and requirements of all ordinances of the Township in force or which may be adopted respecting the conduct of this business, and conditioned also that the bond shall be and remain for the benefit of any person who shall have received judgment against any person licensed under this chapter by reason of any damage sustained by any such person as a result of having made a sale to such licensee, due to dishonesty, fraud or deceit practiced in effecting purchase.

Section 12-27 License Fee

The fee for initial application for a license under this chapter shall be \$250.00. Each annual renewal fee shall be \$50.00. If on the effective date of this chapter a person has been in business pursuant to Section 12-23 for a period not less than five years, the fee for initial application shall be \$50.00, and investigation pursuant to Section 12-23.2 may be waived by the municipal clerk.

Section 12-28 Suspension or Revocation of License

- A. Any license issued under this chapter may be revoked or suspended for violation of any provision of this chapter.
- B. The Township shall institute proceedings for any license suspension or revocation by service of an appropriate notice at least five days prior to the effective date of the license suspension or revocation, and a reasonable opportunity for hearing before the Township Council shall be afforded to the licensee prior to the effective date.

Section 12-29 Violation; Fine

Any person who violates Section 12-23.1 of this ordinance shall be subject to a fine of Five Hundred Dollars (\$500.00) for the first offense and subject to a fine of Seven Hundred Fifty Dollars (\$750.00) for each subsequent offense.

Section 12-30 Disposition of Penalties Recovered

The civil penalty shall be collected pursuant to the 'Penalty Enforcement Law of 1999' P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding before the Lawrence Township Municipal Court.

A penalty recovered under the provisions of this ordinance shall be recovered by and in the name of the Township. The penalty shall be paid into the treasury of the Township of Lawrence for the general uses of the municipality.

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.

The Ordinance 2114-11 was adopted on 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. Powers   | X   |     |         |        |         |       |        |
| Mayor Puliti | X   |     |         |        |         |       |        |

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**Manager's Report –**

Mr. Krawczun submitted invoice listings for the month of November 2011 in the amount of \$984,128.54.

Mr. Krawczun distributed handouts to the Council regarding the Bergen Street matter and indicated at the last meeting there were a few open questions relative to the striping on Bergen Street and he has a response for those items. He then proceeded to discuss the following items in detail regarding Bergen

Street: vacation of the existing right-of-way on Bergen to a narrower width and how it would affect the Township's future decision-making process; the Township Engineer's recommendation with regards to the installation of speed humps and the need for additional signage if they are put in; Bergen Street being categorized in the Master Plan as a collector road but having some characteristics of a residential neighborhood, therefore, if the Council desires they can have the Planning Board reevaluate the designation of the street and an outline for the implementation of a Complete Streets policy for future improvements on roadways in Lawrence Township. A short discussion followed relative to Complete Streets Models in various areas in New Jersey and the Council adopting a policy similar to the plan in Los Angeles, California. Thereafter, the Council requested that the Municipal Clerk mail out copies of the report to the residents on Bergen Street who were present at the previous meetings.

Mr. Krawczun stated that the Delaware Valley Regional Planning Commission (DVRPC) is making available some planning grants to municipalities in their NPO, to provide for planning transportation improvements and that he had an opportunity to meet with the chair of the Building Committee who agreed to take the lead in filing the grant application for the feasibility study of a pedestrian connection from I-295 to the Johnson Trolley Line. He indicated that Ralph Copleman, who was the former Executive Director of Sustainable Lawrence, took the lead in applying for some federal funding prior to him passing away, which was never received. So, the Administration has now agreed to support this application that will be forthcoming to the Council.

Mr. Krawczun advised that the next handout he would be distributing is the Comcast Renewal Application for the franchise agreement between Comcast and the Township of Lawrence and that the application is broken into two parts - public information and proprietary information. He advised that the public hearing is set for January 24, 2012 at Town Hall at 6:30 pm and that the date falls within 90 days requirement period to review the application. He indicated if deemed necessary the public hearing can be extended up to an additional 30 days and proceeded to discuss the process with regards to introducing and adopting the ordinance. A short discussion took place relative the Cable Telecommunications Committee having time to review the Franchise Agreement and assemble a recommendation for the Governing Body prior to the public hearing.

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### **Attorney's Report –**

Mr. Herbert stated that Judge Linda Feinberg, who previously served as a judge for Lawrence Township Municipal Court and is currently serving as a judge for Superior Court, will be retiring in March 2012, and they wish her well on her retirement.

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**Clerk's Report –**

There was no Clerk's report.

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**Written Communications –**

There was no written communication.

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**Old Business –**

There was no old business.

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**New Business –**

Mayor Puliti stated that he was contacted by a Representative from the Governor's Office asking him for an opinion on the Governor's proposal regarding Sick Pay Reform, and he advised the Representative that he would have to get an opinion from the rest to the Governing Body prior to rendering an opinion on the matter. He then proceeded to distribute some literature that was sent to him pertaining to the Governor's sick pay proposal and asked the members of Council to review the material and submit a response back to him within a week so that he can compose a response back to the Governor's office.

Mayor Puliti then turned the floor over to Mr. Krawczun who provided the Council with a detailed background on the Union Labor Agreements and the sick leave cap that has already been negotiated under the collective bargaining process for the police, fighter fighters, blue collar, white collar and all other employees on the payroll, to include a lesser amount for new hires that was part of a give back by the unions. A brief discussion took place regarding employees' sick time and their protection under the law.

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

8.02 P.M.

Respectfully submitted by,

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Kathleen S. Norcia, Municipal Clerk

Attest:

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Gregory J. Puliti, Mayor