

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

June 19, 2012

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, June 19, 2012, at 6:30 P.M.

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

At the commencement of the meeting Mayor Kownacki 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, June 19, 2012, 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 Lewis, Powers, Puliti and Mayor Kownacki.  
Absent: Dr. David Maffei. (The Municipal Clerk advised that Mr. Maffei is out due to a family emergency.)

Also, in attendance were Richard S. Krawczun, Municipal Manager, and David M. Roskos, Municipal Attorney.

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Proclamation and Honors

There were no proclamations or honors.

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Review and Revisions of Agenda

The Municipal Clerk advised that the Agenda needs to be revised to include Resolution (8-X), Authorizing Renewal of ABC Licenses for 2012-2013 Licensing Year – Lawrence Associates and McGuinn’s Place, Inc.

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

Same was carried on the following roll call vote:

Ayes: Councilmembers Lewis, Powers, Puliti and Mayor Kownacki.  
Nays: None.  
Absent: Councilmember David Maffei.

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### Public Participation

*Mr. Jim Cleak, 7 E. Darrah Lane*, inquired about the proposed Detox Center application that was sent back to the Zoning Board for review and the financial impact it would have on the Township in terms of cost for defense, as well as, whether or not the application would ever be approved.

Mr. Roskos advised that Judge Jacobson who reviewed the case found the proposed use to be inherently beneficial and went on to state that there are more inherently beneficial uses than others. In addition, she remanded the case back to the Board to conduct what is called to seek a balancing test which is a way that the Board measures the negative criteria when a use is deemed inherently beneficial, and indicated that she actually cited a case, an Appellate Division case, which upheld the denial of an inherently beneficial use in Willingboro, New Jersey; a case in which the Board went through the exercise of measuring the benefits versus the detriments and exercising its discretion in terms of arriving at some conditions which might serve to eliminate the detriments; found that they could not eliminate these detriments and voted the application down. And the Court affirmed that denial of that inherently beneficial use.

Mr. Roskos stated that Judge Jacobson citing to that case means something...so the Board asked him to get a copy of her deliberations, because the Order itself is only a two page order. So, what he delivered to the Township Manager after obtaining it from Superior Court are the deliberations of Judge Jacobson in the courtroom that day; something he feels will help further guide the Board on the remand; so, the matter is not a foregone conclusion. A short discussion took place relative to the legalities of the stand of review by the Zoning Board and the tax assessment of the property as it relates to an occupied use versus a non-occupied use and the incremental value of the taxes to the Township.

Mr. Cleak also inquired about the installation and cost of the traffic light that is scheduled to be installed at Route 206 and Darrah Lane. In closing, he

complimented the Council on their efforts to get non-profit donations and asked if any of the organizations responded back to their request.

Mr. Krawczun stated that the installation of the traffic light on Route 206 at Darrah Lane is a DOT project; however, the Township did previously commit to 25-percent of the cost for the project which was allocated in previous capital budgets; so, it does not affect the 2012 budget year.

Mr. Krawczun stated as for the non-profit solicitation the letter it has not been sent out as it was only provided to the Council as a recommendation, and he has been receiving some feedback and once that process is completed the letter will be sent out with some backup information attached to the final document.

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

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Adoption of Minutes

There were no Minutes for adoption.

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Introduction of Ordinances

Mayor Kownacki read by title an ordinance entitled, "AN ORDINANCE AMENDING ORDINANCE 1794-04 WHICH ESTABLISHES THE STRUCTURE OF THE LAWRENCE TOWNSHIP POLICE DIVISION."

Mr. Krawczun stated that the Ordinance will codify the command structure for the Lawrence Township Police Division by recognizing that there should be one Chief and one Captain position, and it will eliminate the position of Deputy Police Chief, to be effective September 2, 2012. He further discussed the Captain's position being vacant due to a retirement in February and the Administration requesting that the position remain authorized but unfunded in the event it is needed in the future, until they can see how the new structure works.

The Ordinance was introduced and approved on the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Ms. Lewis	X						
Dr. Maffei				X			
Mr. Powers	X					X	
Mr. Puliti	X						X
Mayor Kownacki	X						

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Mayor Kownacki read by title an ordinance entitled, "BOND ORDINANCE PROVIDING FOR VARIOUS IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,548,000 AND AUTHORIZING THE ISSUANCE OF \$1,470,600 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF."

Mr. Krawczun stated that the Ordinance is one of two capital ordinances that authorize the expenditure of funds, as well as, the borrowing of funds for the purpose of what is identified in the capital plan upon adoption of the 2012 Capital Budget. He then proceeded to discuss in detail appropriations of the aggregate amount, the issuance of bonds or notes and the down payment amount to be paid in cash from the Capital Improvement Fund, as required by the Local Bond Law.

The Ordinance was introduced and approved on the following roll call vote:

| COUNCIL        | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|----------------|-----|-----|---------|--------|---------|------|--------|
| Ms. Lewis      | X   |     |         |        |         |      | X      |
| Dr. Maffei     |     |     |         | X      |         |      |        |
| Mr. Powers     | X   |     |         |        |         | X    |        |
| Mr. Puliti     | X   |     |         |        |         |      |        |
| Mayor Kownacki | X   |     |         |        |         |      |        |

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Mayor Kownacki read by title an ordinance entitled, "BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS IN AND BY THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$835,000 INCLUDING THE AMOUNT OF \$250,000 EXPECTED TO BE RECEIVED AS A GRANT AND AUTHORIZING THE ISSUANCE OF \$555,750 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF."

Mr. Krawczun stated that the Ordinance authorizes road work in Lawrence Township along with road striping and associated concrete improvements for a total value of \$835,000 and that the funds will be provided in the following manner: \$250,000 from the New Jersey Department of Transportation Trust Fund as a grant, \$555,750 in bonds or notes and \$29,250 cash down payment from the Capital Improvement Fund. He indicated prior to the adoption of the 2012 budget both the road programs and the various capital improvement programs were reduce by \$500,000 from the original plan that was discussed and that both of the Ordinances combined will authorize less debt then the Township is currently paying down.

The Ordinance was introduced and approved on the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Ms. Lewis	X						X
Dr. Maffei				X			
Mr. Powers	X					X	
Mr. Puliti	X						
Mayor Kownacki	X						

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Mayor Kownacki read by title an ordinance entitled, "BOND ORDINANCE AMENDING BOND ORDINANCE 1978-08 BY THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, STATE OF NEW JERSEY, IN ORDER TO REVISE THE DESCRIPTION OF THE IMPROVEMENT HEREIN."

Mr. Krawczun stated that the Ordinance amends a previously adopted capital ordinance by adding an additional purpose for which the bond proceeds may be applied. He indicated that the additional purpose is for the work and improvements to the underground truck lift at the Department of Public Works vehicle repair facility and that the amendment does not increase debt; it only expands the use of the previous authorization.

The Ordinance was introduced and approved on the following roll call vote:

| COUNCIL        | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|----------------|-----|-----|---------|--------|---------|------|--------|
| Ms. Lewis      | X   |     |         |        |         |      | X      |
| Dr. Maffei     |     |     |         | X      |         |      |        |
| Mr. Powers     | X   |     |         |        |         | X    |        |
| Mr. Puliti     | X   |     |         |        |         |      |        |
| Mayor Kownacki | X   |     |         |        |         |      |        |

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### Resolutions

Resolution Nos. 195-12 (8-A) thru 218-12 (8-W) were approved with the exception of Resolutions (8-C), (8-G) and (8-S) by the following roll call vote:

| COUNCIL        | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|----------------|-----|-----|---------|--------|---------|------|--------|
| Ms. Lewis      | X   |     |         |        |         |      | X      |
| Dr. Maffei     |     |     |         | X      |         |      |        |
| Mr. Powers     | X   |     |         |        |         |      |        |
| Mr. Puliti     | X   |     |         |        |         | X    |        |
| Mayor Kownacki | X   |     |         |        |         |      |        |

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

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Resolution No. 197-12 (8-C) was approved by the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Ms. Lewis	X						X
Dr. Maffei				X			
Mr. Powers	X					X	
Mr. Puliti					X		
Mayor Kownacki	X						

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

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Resolution No. 201-12 (8-G) was **tabled** by the following roll call vote:

| COUNCIL        | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|----------------|-----|-----|---------|--------|---------|------|--------|
| Ms. Lewis      | X   |     |         |        |         | X    |        |
| Dr. Maffei     |     |     |         | X      |         |      |        |
| Mr. Powers     | X   |     |         |        |         |      |        |
| Mr. Puliti     | X   |     |         |        |         |      | X      |
| Mayor Kownacki | X   |     |         |        |         |      |        |

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

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Resolution No. 213-12 (8-S) was approved by the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Ms. Lewis	X					X	
Dr. Maffei				X			
Mr. Powers		X					
Mr. Puliti	X						X
Mayor Kownacki	X						

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

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Resolution No. 217-12 (8-X) was approved by the following roll call vote:

| COUNCIL        | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|----------------|-----|-----|---------|--------|---------|------|--------|
| Ms. Lewis      | X   |     |         |        |         | X    |        |
| Dr. Maffei     |     |     |         | X      |         |      |        |
| Mr. Powers     | X   |     |         |        |         |      | X      |
| Mr. Puliti     |     |     |         |        | X       |      |        |
| Mayor Kownacki | 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

There were no bid awards.

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Adoption of Ordinances

Mayor Kownacki read by title an ordinance entitled, "AN ORDINANCE AMENDING CHAPTER 6A: 'FEES: THE CONSOLIDATED LICENSE, PERMIT AND FEE CHAPTER' OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE – Peddler Permits"

Ordinance No. 2125-12

AN ORDINANCE AMENDING CHAPTER 6A: 'FEES: THE CONSOLIDATED LICENSE, PERMIT AND FEE CHAPTER' OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE

BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that Chapter 6A is hereby amended as follows:

Section 6A-10

|                                                                |                    |
|----------------------------------------------------------------|--------------------|
| Peddler Permit Issuance Fee                                    | \$75.00            |
| <u>Includes background check and badge for one individual.</u> |                    |
| <u>Additional background checks and badges</u>                 | <u>\$8.00 each</u> |

The Ordinance 2125-12 was approved on the following roll call vote:

| COUNCIL        | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|----------------|-----|-----|---------|--------|---------|------|--------|
| Ms. Lewis      | X   |     |         |        |         |      | X      |
| Dr. Maffei     |     |     |         | X      |         |      |        |
| Mr. Powers     | X   |     |         |        |         | X    |        |
| Mr. Puliti     | X   |     |         |        |         |      |        |
| Mayor Kownacki | X   |     |         |        |         |      |        |

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**Manager's Report –**

Mr. Krawczun submitted invoice listings for the month of May 2012 in the amount of \$1,386,940.54.

Mr. Krawczun stated if the Council so agrees he would like to review and discuss the following items listed on the Agenda: Sale of Municipal Property, Current Fee Ordinances, 2013 Brush Collection and 2013 Budget Matters and that James Parvesse, Township Engineer, would be giving the first report and presentation on the sale/disposal of municipal properties, after which he turned the floor to Mr. Parvesse.

### **Sale of Municipal Property**

Mr. Parvesse distributed an analysis report of municipal properties for potential sale, as well as, open space properties that are restricted from sale. He then proceeded to discuss at length the list of Township owned properties, vacant land that was separated into five categories that the Township can potentially sell as a source of revenue. A question, comment and answer period took place relative to Mr. Parvesse's report and clarification with regards to the presentation not being a "hard and fast" proposal...just a sorting of the properties that the Township owns.

### **Current Fee Ordinances**

Mr. Krawczun distributed a list with fees by operating departments excluding the Construction Office, Ambulance Fees and Recreation and advised that he is excluding the Construction Department because their fees were previously increased and the Township has to be careful of the three year running average of the amount of fees collected over the cost of operation, as there was a small excess of revenue over expenses in 2011, Recreation fees will be discussed at the next meeting so they can make plans for 2013 and there may be need for a separate conversation regarding Ambulance fees.

Mr. Krawczun stated what the Council now has to do is review the other operating departments and the individual category of fees they collect and what those fees consist of as it relates to the proposed fee increase for 2013; when the last time the fees were increased and if they are at the maximum as stipulated by State law. He indicated in a lot of cases the fees are limited by State Statute to a set amount and the list he submitted to the Council is lengthy and because there is no need to make a decision this evening, he is recommending that the Council review the items that have been identified for a fee increase and make a determination based on that list. He then proceeded to discuss some of the proposed fee increases from each of the departments for 2013 and the additional revenues the fee increases would generate. A question, comment and answer took place relative to an Ordinance being brought forward to amend all the fees and the reason for the proposed fee increases.



**Discussion of 2013 Brush Collection and 2012 Budget Matters**

Mr. Krawczun distributed a memo that was previously shared with the Council from Gregory Whitehead, Director of Public Works, concerning a potential change to brush collection to be effective for 2013. He indicated some might recall in the 2012 budget there was an elimination of a position in the Public Works Department which caused the reassignment of a laborer, coupled with Mr. Whitehead's observation of the Township's takeover of the Twin Pines recreational fields the Park Maintenance Division primary focus will be in the park and public property areas once they are fully operational. So, based on the reduction of staff and the demand of the Public Works Department Mr. Whitehead suggested that the brush collection schedule be amended to reduce the number of brush pickups and eliminate some of the months they collect brush at this time in order to shift labor hours to other areas of operation.

Mr. Krawczun proceeded to discuss at length details surrounding the proposed 2013 Brush Collection Program, savings in labor hours and fuel cost and other options, to include residents and their landscapers dropping off yard waste at the Ecological Facility, a spring clean-up/summer collection program for residents, a special collection period for residents impacted by a storm, zone collection for Christmas trees and the Fall Leaf Collection Program remaining the same. He also discussed the need for enforcement if the program were to be implemented.

Mr. Krawczun stated the second item for consideration regards the Compost facility and the Township stopping operations, which he indicated would negate some of the services the residents receive at that location. He then proceeded to discuss Mr. Whitehead's continuing conversations with the new Princeton, their joint partner of operations over the years, whose Agreement has expired; but, they are still honoring until the transition can be fully worked out on their side, and indicated that is why they are pushing some of the matters off until 2013. A short question, comment and answer took place relative to the brush collection proposal, enforcement of the program and future operations of the Compost facility. There were no objections to the brush collection proposal.

Mr. Krawczun advised the Council at the next meeting he would like to schedule a detailed discussion on recreation programs and how they may want to consider that program going forward in the future and that he has already discussed the matter with Steve Groeger, Superintendent of Recreation. In addition, he will discuss with the Council some changes to services that will have to occur in the Health Department due to the elimination of the part-time nurse. He further advised that some of the programs and costs will be laid out directly and some of the programs will be up to the consideration of Council as to whether they would like to eliminate programs to reduce cost going forward into 2013 now that they only have one part-time nurse.

Mr. Krawczun advised that they had a bid opening about a week ago for a property on Meriline Avenue, which was Option #2 on the list distributed by Mr. Parvesse during his presentation; a property to be sold without restrictions to an adjacent property owner or contiguous property owner. He indicated that the property had no restrictions so it was set at an assessed value of \$15,700; but there were no bidders so the Council now has the option of amending the Ordinance to set it at a reduced price or they can redo the Ordinance with the restrictions and sell the land at a lower price and suggested that the Council try to sell the property one more time without the restrictions. A brief discussion followed relative to an application that was submitted to the Zoning Board regarding the property.

Mr. Krawczun stated although the Administration does not have the final report they had an Exit Conference with the Auditors and they expect the Report to be ready for distribution at the next meeting.

Mr. Krawczun advised that he had his first meeting regarding negotiations with the FOP, Superior Officers, Rank and File and that the meeting was just to discuss some of the parameters and the thinking on each side with regards to negotiating the contract being they have a new representative for the FOP in Lawrence Township. He then proceeded to explain the process of negotiations as it relates to arbitration and why the first meeting is not considered part of the negotiations.

Mr. Krawczun stated that the Administration received an electronic copy of a letter from NJDOT that Lawrence Township as a participant in the Red Light Camera Program is required to create a study; a certification to be done by Mr. Parvesse, Township Engineer, that the yellow light length of time is not too short and meets State standards. He advised that the Chief of Police, Mr. Parvesse and he will be working on the specifics of the directive and that the requirement for the Certification states that the yellow time appropriately represents the speed of 85-percent of vehicle traffic as it approaches the signal; so, they do have a speed requirement based on the posted speed limit for each approach and he believes the study consists of one-hundred cars within a certain period of time.

Mr. Krawczun advised that the study must be completed and submitted to NJDOT by August 1, and if the Township is in compliance with the regulations they can continue to keep the Red Light Program in place; but, if the study finds that the yellow light is not timed accurately Lawrence will not be able to participate in the program; so, they will get that done as soon as possible to see if the Township is in compliance. He further advised from this point forward the citations issued for running the red light camera will be held in abeyance until the certification study is completed and if the certification is deemed to be acceptable those citations will be issued along with any subsequent citations to violators.

Mr. Krawczun stated that he does not want to belabor an old issue but he knows that the Council received a piece of correspondence from a resident today that revisited the salary item that was brought up at one of the presentations on the referendum, and he thinks there is still a major misunderstanding about what the salary increases were for employees in 2012. He advised that there were adjustments and increases to the salary, as there are steps and other explanations as to areas where employees are moving up on steps especially in areas where there are relatively new employees.

Mr. Krawczun advised that the Non-Union, White Collar, Blue Collar and the Supervisors Unions wage increase in 2010 was 0%, 2011 – 2.6%, 2012 – 2.75% and it will be 2.5% in 2013, for a four-year average of 1.96%; the Police contract that overlaps wage increase in 2009 was 3.25%, 2010 – 0%, 2011 – 2.85% and in 2012 – 2.85%, for a four-year average of 2.24%; Fire and EMT's wage increase in 2010 – 0%, 2011 – 2.6%, 2012 – 2.75%, and it will be 2.25% in 2013, for a four-year average of 1.5%. Thereafter he reiterated the four-year averages for each of the unions and advised that there were no 5.2% salary increases given to any Township employee.

Mr. Krawczun stated that the letter also referenced him saying that the consolidation of the Princeton's would fail and advised that he did not say that, But, what he did say is that the consolidation of the Princeton's, the combined town in the near future will be confronting the "cap" problem like everyone else; because even with the consolidation the revenue side of the budget the State law has not changed so they now have a bigger tax base but once the tax levy is set it is subject to the 2% cap. So, the point he was trying to make is if they want to consolidate they have to look at both the revenue side, which they will need to adjust so that they can get the saving on the appropriation side of the budget, as those savings are only going to last so long with the limit of the 2-percent cap. So, for clarification purposes he did not say they will fail...he said they would be confronted with the same problem which is a radical difference in what was referenced in the letter.

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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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**Council Initiatives/Liaison Reports –**

Councilmember Lewis' report:

- Advised that the Growth & Redevelopment Committee is excepting nominees for their Awards ceremony and they are due in August.

Councilmember Maffei's report:

- Absent - No Liaison Report.

Councilmember Powers' report:

- Advised that it's been pretty quiet since the Human Relations Committee had Diversity Day, and they are presently working on sending out Certificates of Appreciation to the restaurants that provided food for the event.

Councilmember Puliti's report:

- Stated that he has no report for the Public Safety Committee, and as previous discussed by the Municipal Manager the Recreation Committee is going to discuss where they going in the future with recreation programs given the economic times and how they can continue to keep the programs alive in some fashion, and he knows the Superintendent of Recreation is reaching out to the community for help in that area.

Mayor Kownacki's report:

- Advised that the Municipal Alliance on Drug and Alcohol Abuse is moving forward. There is nothing new to report on the Health Advisory Board except their next meeting is in September, and the Affordable Housing Board did not meet because they had no quorum causing that meeting to be rescheduled.

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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 –**

Mr. Powers stated in reference to the Manager's report on the Red Light Camera Pilot Program and the Court holding citations in abeyance, on June 12<sup>th</sup> he witnessed during badly severe weather a rear-end collision because of the vehicles' stopping distance in the wet weather. And, one of the things in terms of feedback to DOT, is that when there is an ice storm or some kind of severe weather they do not want residents worrying about getting a ticket, as they should be focused on dealing with the severe weather conditions. So, they might want to consider having an exception on severe weather days so that drivers do not have to worry about the red-light camera... just their safety being that is the ultimate goal of the Pilot Program.

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

8:10 p.m.

Respectfully submitted by,

\_\_\_\_\_  
Kathleen S. Norcia, Municipal Clerk

Attest:

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James S. Kownacki, Mayor