

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

November 7, 2013

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Thursday, November 7, 2013 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 Thursday, November 7, 2013 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 Brame, Lewis, Powers and Mayor Kownacki.  
Absent: Councilmember Maffei. (The Municipal Clerk advised that Dr. Maffei is not present this evening.)

Also, in attendance were Richard S. Krawczun, Municipal Manager, and Michelle Lamar, Esq., Acting Municipal Attorney.

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Special Proclamations, Recognitions and Presentations

Presentation on Government Energy Aggregation for Residential Users  
Presented by Good Energy on Behalf of Middlesex Regional Educational  
Services Commission Cooperative Pricing System

Mayor Kownacki stated that Edward Carey a representative from Good Energy, L.P. would be providing a presentation on Government Energy Aggregation for residential and non-residential users. He then turned the floor over to Mr. Carey who distributed a handout to Council and stated that government entity aggregation is basically aggregating the load or usage of energy in various households in the community to bring about bulk purchasing opportunity from various third party suppliers in New Jersey and that GoodEnergy has been in the industry for about 13 years and they are

headquartered in New York City with offices in Texas, Illinois, and a small office in Short Hills, New Jersey; but, for about the last five years they have been operating with supposedly the second largest electricity public aggregation in the State and the actual co-op itself, Middlesex Regional Educational Services Commission, which is said to be the largest cooperative in the entire state and they won that particular partnership with the Co-op twice through a Request for Proposal (RFP) bid.

Mr. Carey explained that a co-op is essentially joining together various communities to create buying power so that they can bring down the price by buying in bulk, which is essentially what government aggregation is, and MRESC on the electricity side has 92 different entities in 17 different counties that are represented by GoodEnergy and according to the last report from the Coordinator of the program the savings were around \$10 million as of August 2013. He then proceeded to review in detail the various names GEA goes by in different states, key benefits of GEA, green energy power/cost versus electricity cost, awareness campaigns and marketing programs, registered marketers in New Jersey, the definition of "government energy aggregation", supply charges and cost savings, the three ways residents can enroll in the program, who qualifies for participation in the program and opt-in and opt-out options for residential/commercial retail customers, consolidated billing and the contact person if there is a problem with the service. An at length question and comment period took place between the Council, Municipal Manager and Mr. Carey regarding his presentation, after which it was the consensus of the Council for the Municipal Manager to move forward with looking into the program.

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#### Public Participation (5-minute limitation per speaker)

*Mr. Bryan Smith, Chair, Cable Telecommunications Advisory Committee,* stated that he would like to share a couple of thoughts on the Comcast Franchise Ordinance that is coming forward; something they worked on with Comcast for the past two years. He additionally advised that the last agreement was done in 1997 and it was for 15 years and at that time they were in a position where they had some leverage in the negotiation process, as they were able to actually request certain things from Comcast and they were able to accommodate their request, as the Committee had a strong relationship with Comcast at the time. Now, the world has changed and in 2006 Verizon came in with a statewide franchise which changed the whole telecommunications industry quite dramatically which in turn has had an effect on the Committee as it has shifted their mission and they do not have the same responsibilities or negotiating power that they had in the past; but they were able to negotiate an Agreement that will be coming forward this evening.

Mr. Smith indicated in the new environment the Committee kind of lost their ability to negotiate being Comcast can essentially invoke a statewide franchise at any point in time; so, some of the items they asked for they got and some they did not as they did not have a whole lot of leverage in terms of negotiations. But, overall all it was an interesting and frustrating process and it took a lot longer than any of the members anticipated and proceeded to discuss him taking over the role of chairperson two years ago with the idea that the negotiations would be done in a year and fundamentally two years later they are just getting the matter resolved and the Committee is feeling good about where they are right now. However, going forward they have learned that the negotiation process is a whole new ball game and the leverage power they had before is not there any longer but they will persevere. He thanked Abe Abramovich, his predecessor, for laying the ground work and opened up the floor for questions and comments. Mayor Kownacki thanked Mr. Smith and the Committee on behalf of Council for their time and hard work.

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

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#### Review and Revisions of Agenda

The Municipal Manager requested that the Agenda be amended to add Resolution (17-BB), Authorizing Contract for Part of Option #4, 30-yard and 40-yard roll-off Containers with Carnevale Disposal Company, Inc., Resolution (17-CC), Authorizing Contract Option #3 Recycling Container Collection with Waste Management and Discussion of Items Dealing with Labor Negotiations and Personnel Matters for Closed Session.

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

Same was carried on the following roll call vote:

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

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#### Adoption of Minutes

On a motion by Mr. Powers, seconded by Ms. Lewis, the Minutes of Closed Session Meeting of September 3, 2013, September 17, 2013 and October 1, 2013 were approved without correction.

Same was carried on the following roll call vote:

Ayes: Councilmembers Brame, Lewis, Powers and Mayor Kownacki.  
Nay: None.  
Absent: Councilmember Maffei.

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On a motion by Ms. Lewis, seconded by Mr. Powers, the Minutes of Joint Meeting with Board of Education of March 21, 2013 were approved without correction.

Same was carried on the following roll call vote:

Ayes: Councilmembers Brame, Lewis and Powers.  
Nays: None.  
Abstain: Councilmember Kownacki  
Absent: Councilmember Maffei.

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On a motion by Mr. Powers, seconded by Ms. Lewis, the Minutes of Regular Meeting of April 2, 2013 were approved without correction.

Same was carried on the following roll call vote:

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

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On a motion by Mr. Powers, seconded by Mr. Brame, the Minutes of Regular Meeting of April 16, 2013 were approved without correction.

Same was carried on the following roll call vote:

Ayes: Councilmembers Brame, Powers and Mayor Kownacki.  
Nays: None.  
Abstain: Councilwoman Lewis.  
Absent: Councilmember Maffei.

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Awarding and/or Rejecting of Bids

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

Resolution No. 356-13

**WHEREAS**, on October 18, 2013, bids were received for Re-Bid No. 13-12, 2013 Snow Plowing Services; and

**WHEREAS**, two bids were received and reviewed by the Municipal Manager and Director of Public Works and the lowest responsible bidder is GreenScape Landscape Contractor, Inc., 733 Willow Grove Avenue, Glenside, PA 19038 who submitted a bid in the amount of \$188.00 per hour per truck; 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 3-16-56-849-299 (Reserve for Snow Removal);

**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 Re-Bid No. 13-12, 2013 Snow Plowing Services, to GreenScape Landscape Contractor, Inc., for the period of November 15, 2013 through April 15, 2014 with a contract amount not to exceed \$17,000.

Same was carried on the following roll call vote:

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

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

Resolution No. 357-13

**WHEREAS**, on Thursday, October 24, 2013 bids were received and publicly opened for the project known as **Pedestrian Trail Improvements**; and

WHEREAS, eight (8) bids were received and reviewed by the appropriate Township Officials; and

WHEREAS, the lowest responsible bidder was Brennan Brothers Contracting, LLC who submitted a bid in the amount of \$14,100.50; 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 3-16-56-843-299; 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 Brennan Brothers Contracting, LLC, 28 Maple Street, Old Bridge NJ 08857 in the amount of \$14,100.50; 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 Brame, Lewis, Powers and Mayor Kownacki.  
Nays: None.  
Absent: Councilmember Maffei.

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Mayor Kownacki asked for comments from the public.

Ms. Tahirih Smith, chairperson of Sustainable Lawrence, stated that she is present this evening with representatives from Sustainable Lawrence, a non-profit organization not affiliated with the Township, to express their support for the efforts made by the Council to find ways to divert some of the Township's waste from landfills by using the Organic Food Waste Recycling Program and expressed her organization's support of the program and eagerness to help in the research as well as how happy they are about the compost program and hope that the Council will move forward.

Mr. Chris Ahlers, member of Sustainable Lawrence, thanked the Council, Municipal Manager and everyone else involved in pursuing the organic recycling program and echoed the comments of previous speaker with regards to their support and the Council moving forward; but, slowly with the program to ensure that they are doing it the right way. He then discussed the bid specs as it relates to the estimated regular waste tonnage which increased by 250-tons in one year based on prior waste production report and questioned if the actual amount could

be incorporated in the bid specs instead of the estimated amount to help reduce cost.

Mr. Krawczun advised that the Township is billed for the actual tonnage and they use the estimate in the bidding process so that the contractor can do some planning and review their cost change over that period of time. In addition, the organic collection will be paid for by the households that volunteer to participate in the program and the fee will be \$17.00 per month for the collection. Additional discussion took place relative to the pros and cons of their being one bidder for the organic waste collection.

Ms. Elaine Brach, resident of Lawrence Township, stated she is not affiliated with any sustainable organization but she came out tonight in support of the Township doing organic composting as it is something she personally wanted to do but never quite got around to doing it; and, although the Food Waste Collection is an important program to do she is concerned that the \$200 annual fee might deter people from joining the program, and she agrees that Lawrence Township should hold off making a decision until MCI finishes implementing the County Recycling Plan that will affect the collection and marketing of recyclable materials for municipalities that will dictate how they should proceed.

Further discussion took place relative to the surrounding towns who have implemented a similar plan and the economy of scales lowering the initial cost of the program as well as the benefits of the program. Thereafter, Mayor Kownacki thanked Mr. Krawczun on behalf of the Council for the great job of saving the Township \$304,000 over a 5-year period with no increase of fees or taxes, and Mr. Krawczun in turn thanked the Director of Public Works, Gregory Whitehead, who was instrumental in pulling together the specifications.

There being no additional comments, public participation was closed. On a motion by Ms. Lewis, seconded by Mr. Powers, the following resolution was presented for adoption:

Resolution No. 360-13

**WHEREAS**, on October 8, 2013 bids were received for Bid No. 13-11, Refuse Collection and Trash Disposal; and

**WHEREAS**, one bid was received and was reviewed by the Municipal Manager and the Director of Public Works; and

**WHEREAS**, Central Jersey Waste and Recycling, Inc., 432 Stokes Avenue, Ewing NJ 08638, Inc. was the only bidder; and

**WHEREAS**, the Township is awarding said bid for the period December 1, 2013 through November 30, 2018; 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 3-01-26-305-252 (Garbage and Trash Removal); and

**WHEREAS**, the bid specifications included as Option #9 the voluntary participation of residents in a program for the curbside collection of organic food waste; and

**WHEREAS**, since the date for the acceptance of bids, Lawrence Township was notified on October 31, 2013 the Mercer County Improvement Authority will hold a public hearing on November 26, 2013 on a proposed amendment to the Mercer County District Solid Waste Management Plan; and

**WHEREAS**, the proposed amendment will allow for the receiving, storing, processing and transferring or organic food waste; and

**WHEREAS**, it is in the best interest of Lawrence Township residents that the award of Option #9 be postponed pending the results of the actions by the Mercer County Improvement Authority after the conclusion of the Public Hearing; and

**WHEREAS**, N.J.S.A. 40A:11-24 a. provides that an award or rejection of a bid must be made within sixty days of the receipt of bids and said time limit may be extended with the consent of the bidder.

**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 enter into a five year contract from December 1, 2013 through November 30, 2018 for curbside and container garbage collection including bulk waste, per bid specifications, with Central Jersey Waste & Recycling, Inc.; and

**BE IT FURTHER RESOLVED**, by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that the Township hereby reserves the right of Lawrence Township to award or reject the bid proposal for Option #9 "Food Waste Collection" in accordance with N.J.S.A. 40A:11-24 a.

Same was carried on the following roll call vote:

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

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Introduction of Ordinances

Mayor Kownacki read by title an ordinance entitled, “AN ORDINANCE GRANT RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF LAWRENCE, LLC TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN LAWRENCE TOWNSHIP, NEW JERSEY”

Mr. Krawczun stated that the Ordinance grants a renewal of the municipal franchise agreement with Comcast of Lawrence, LLC for the providing of cable services in Lawrence Township and advised that the franchise duration is for a period of 15-years with a 10-year automatic renewal as provided by Statute, the continuing franchise fee is 3½ percent with a ½ of percent being paid to the State, language is included about the extension of service for businesses along any right-of-way, addressing repairs and the quality of work complaints within 30 days, removal of lines and tree trimming at the Township request, extensive language about customer service and more local offices located within the area, Comcast putting up a \$25,000 performance bond, \$50,000 technology grant, providing outlets for cable TV and internet services at public safety facilities, schools, senior centers and the addition of two PEG Channels - government and educational access channel. In closing, he thanked Bryan Smith for his leadership in helping put together the Ordinance and the members of the Cable Telecommunications Advisory Committee for their tremendous efforts.

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

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

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Mayor Kownacki read by title an ordinance entitled, “ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF LAWRENCE TO REVISE SECTIONS 420 AND 421”

Mr. Krawczun stated that the Ordinance authorizes an amendment to the Lawrence Township Municipal Land Use Ordinance, which would permit used car sales as a conditional use in the Highway Commercial Zone being used car sales are currently prohibited unless in conjunction with new automobile sales facilities. In addition, they had some dialogue about other aspects of the Land Use Ordinance that might need to be changed or improved going forward. One of which he will present during his Manager’s Report.

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

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

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Adoption of Ordinances

There was no adoption of ordinances.

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**Manager’s Report –**

Mr. Krawczun submitted invoice listings for the month of November 2013 in the amount of \$757,849.92.

Mr. Krawczun stated that the Council received a letter from County Executive Brian Hughes regarding some traffic issues along Province Line Road, and back in July the Township Engineer, based on conversations they had internally with the staff, contacted the County Department of Transportation to request some safety improvements along Province Line Road in the area of the Yorkshire Village Development and they received favorable feedback from DOT along with a response from the County Executive and proceeded to highlight some of the items that they would be seeing in the near future, which will include electronic signs to track speed, installation of speed radar and static speed limit signs.

Mr. Krawczun advised that the County would be sending out bids by November with work commencing next year. They also requested pedestrian rapid flashing beacons at the intersection of Province Line Road and Canal View Road where there is a play area, a pool and residents on both sides and curvature in the roadway that reduces the sight distances and that the County agreed to include pedestrian activated rectangular rapid flashing beacons, which is new technology much more favorable in grabbing the attention of motorist. Additionally, they asked for a reduction in speed from 45 mph to 35 mph which the County also granted and indicated that there will be a need for the governing body to approve a Resolution and Ordinance to make the changes.

Mr. Krawczun stated on November 21<sup>st</sup> at 10:30 a.m. at the Lawrence Township Senior Center the Emergency Management staff will be conducting an Emergency Preparedness Program for seniors to talk about a series of topics of how seniors should plan in the event of an emergency, which includes things

they need to take in an emergency, having a prepared shelter in place in the event of a loss of electricity or what to have if they choose to stay in their homes, how to get information during and after an emergency, some do's and don'ts and how to handle their medication and communicate with neighbors and family.

Mr. Krawczun stated that Professional Property Appraisers, the firm conducting the revaluation of properties in Lawrence, will be in attendance at the December 3<sup>rd</sup> Council Meeting to provide an update to the Township Council. The purpose is they are in the last stage of the process and they anticipate letters to be sent out the first week of December advising residents of their new assessed value. The letters will also provide information of the property owner's assessment and what their estimated taxes will be in 2013 based on the new value, and they thought it would be appropriate to provide a comparison of 2013 with the new assessment versus the old assessment because with this going forward it is anybody's guess as to what the rate will be until they get the final net valuation tax levy. In addition, the firm will be setting up space in one of the firehouses that is yet to be determined for approximately three weeks to meet with residents who have questions or inquiries about their values and they will have staff there during the day to answer questions and they will have some evening and Saturday hours for people who work out of the area.

Mr. Krawczun advised that they had their first meeting with the stakeholders on the connection of the Johnson Trolley Line where the feasibility is not going either over or under I-95 to connect the trolley line from the Rider campus to Denow Road, and they expect to hear back probably in late November or early December from the consultant who organized the meeting, Parsons Brinckerhoff Engineers, who are presenting, based on the information that they gathered at the first meeting, their engineering analysis of what some of the options may be to make that connection.

Mr. Krawczun distributed copies of a draft Ordinance that proposes an amendment to the sign section of the Land Use Ordinance that will allow for billboards in the I-2 Zone to become variable message structures and indicated in driving around in and outside New Jersey they see more of the changeable copy billboards and the Township's current sign ordinance prohibits any changeable copy and the Ordinance is a proposal to create conversation as to what they might want to consider going forward.

Mr. Krawczun stated that there has been a lot of activity in the community in preparation of the General Election and he would like to acknowledge the Clerk's Office for carrying out their duties professionally, with technical expertise and in good manners and he would like to thank them for doing a wonderful job.

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**Attorney’s Report –**

There was no Attorney’s report.

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**Clerk’s Report –**

Ms. Norcia stated relative to Boards and Committees at the next meeting she will be giving the Council the final draft of who is interested and not interested in being reappointed and a listing of the vacancies that they have on the committees. And, if the Council so desires they can set up the interviews for the Planning and Zoning Boards for potential members, which can be done prior to the December 17<sup>th</sup> meeting so they are ready to be appointed January 1<sup>st</sup>.

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**Old Business –**

There was no old business.

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**New Business –**

Mr. Powers stated that the Lawrence Township Intermediate School students that did the Safe Walk to School Program would like to come and present their reports at the December 3<sup>rd</sup> meeting if that is alright with the Council. (There were no objections from the Township Council.)

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**Public Participation (3-minute limitation per speaker) –**

There was no public participation.

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**Resolutions**

Resolution Nos. 331-13 (17-A) thru 362-13 (17-CC) were approved by the following roll call vote:

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

Cited Resolutions are spread in their entirety in the Resolution Books of the Township of Lawrence.

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Mr. Krawczun stated that the idea to rename Cheverly Road to "Fred Vereen Jr." Road was brought to his attention by former Councilman/Mayor Thomas Wilfrid and when Mr. Wilfrid first contacted him about the re-naming of the street he thought it would be an easy task and with the Council supporting the change is a testament to the many accomplishments and how Mr. Vereen's work has affected his neighborhood, friends and neighbors and indicated members of Council can articulate the many, many accomplishments of Mr. Vereen and he is just glad to see that the Township was able to accommodate the request.

Mayor Kownacki thanked Mr. Vereen for all the years he served with him and for his years of dedication, efforts and all the hard work he did in the Eggert Crossing neighborhood.

Mr. Vereen thanked the Council for bestowing the honor of re-naming the street after him and stated that the neighborhood has come a long way and it was not just him but a community effort to make Eggert Crossing and Eggert Crossing Village what it currently is and that is why he donated his memoirs of the neighborhood to give people a glimpse of history about exactly what it took to get the neighborhood where it is today and again thanked the Council for the honor.

Mr. William Holmes stated that he is elated and embellished tonight that the Township Council has taken it upon themselves to recognize the accomplishments of Mr. Fred Vereen; because he has not only affected the local community but outside of the community he is well known throughout the State and perhaps the world for his accomplishments. So, again re-naming a street after him is a true testament to Mr. Vereen's efforts and the honor adds to the Township to have a street named after him.

Ms. Helen Holmes greeted the Council and stated that Fred Vereen, Jr. is her brother and he has worked in the Eggert Crossing community since he was a young man...so young that the Eggert Crossing Civic League had to change their by-laws for him to become a member. So, her brother did not just start working in the Eggert Crossing community - he has been working hard in that community all of his life, which included him organizing a march to Town Hall to get things done for the African American community. Now, he is 80 years old, has the street he lives on named after him she could not be more proud and happy for her brother and thanked the Council for such a prestigious honor.

Resolution No. 330-13 (17-I) was approved by the following roll call vote:

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

Cited Resolution is in its entirety in the Resolution Books of the Township of Lawrence.

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**Council Initiatives/Liaison Reports –**

There was no liaisons report.

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**Written Communications –**

There was no written communication.

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

8:22 p.m.

Respectfully submitted by,

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Kathleen S. Norcia, Municipal Clerk

Attest:

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James S. Kownacki, Mayor