

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

September 1, 2015

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, September 1, 2015 at 6:30 P.M.

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

At the commencement of the meeting Mayor Lewis 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, September 1, 2015, 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 Dember, Kownacki, Maffei, Powers and Mayor Lewis.
Absent: None.

Also in attendance were Richard Krawczun, Municipal Manager, Township Attorney Roskos, and Vincent Scozzari, President, Board of Trustees of Lawrenceville Main Street.

Special Proclamations, Recognitions and Presentations

Lawrenceville Main Street Presentation

Mr. Vincent Scozzari, President, Board of Trustees, Lawrenceville Main Street presented an Outline of Future Plans for the Village of Lawrenceville. Mr. Scozzari clarified that when discussing “Main Street” he is referring to the area from Franklin Corner Road to Carter Road. Mr. Scozzari gave some history as to the formation of Lawrenceville Main Street, and the reasons it came about.

Mr. Scozzari then gave information about Lawrenceville Main Street’s strategic plan for 2015 through 2020 which was adopted by Main Street’s Board on July 11, 2015. He provided a handout which outlined their plans for the next 5 years. Their primary goal is to work with Lawrence Township to update the planning and zoning regulations for the Main Street district to foster high quality building, restoration and

rehabilitation. Mr. Scozzari asked to meet with the Township Manager, and the Planning and Zoning Board to discuss Lawrenceville Main Street's vision of development of the Village area and to facilitate improvements to the Ordinance for that area.

Mayor Lewis stated that she is excited about the plan put forth, and she thinks it is a good working document. Mayor Lewis thinks it is wonderful to have a group of volunteers who have pulled together to help local businesses.

Mr. Scozzari invited everyone to "Night in the Village" on September 20th where participants can get a taste of the local restaurants in the area.

Public Participation (5-minute limitation per speaker)

Ms. Zarinah Shakir, 2350 Princeton Pike, came to talk about some issues she has been experiencing at the Senior Center. She discussed some personal issues and conflicts that she has had with the Director of the Center and her Assistants.

Mayor Lewis advised if it is personal issues with Personnel at the Center, it is not a matter for public forum or discussion, and would require a closed meeting.

Ms. Shakir also stated that the printer in the computer room never has any ink. She stated that the printer has not had ink for over 7 months, and whenever she makes an inquiry about the ink she is told that it has been ordered.

Mayor Lewis asked if Mr. Krawczun can look into the matter to see what the issue is with the printer at the Senior Center.

Review and Revisions of Agenda

Mr. Krawczun requested that the rejection of bid, Resolution No. 302-15(9-B) be added to the agenda. The Municipal Clerk requested that Resolution No. 291-15(18-L) be pulled from the agenda.

On a motion by Mr. Powers, seconded by Dr. Maffei the agenda was amended to include the above revisions.

Same was carried on the following roll call vote:

Ayes: Councilmembers Dember, Kownacki, Maffei, Powers and Mayor Lewis.
Nays: None.

Adoption of Minutes

There was no adoption of minutes.

Awarding or Rejecting of Bids

Mayor Lewis asked for comments from the public. There being none, Mayor Lewis asked for comments from Council. There being none, public participation was closed.

On a motion by Mr. Powers, seconded by Mr. Kownacki, the following resolution was presented for adopting:

Resolution No. 298-15

WHEREAS, on Thursday, August 20, 2015 bids were received and publicly opened for the project known as Entrance Improvements Community Center; and

WHEREAS, six (6) bids were received and reviewed by the appropriate Township Officials; and

WHEREAS, the lowest responsible bidder was J.H. Williams Enterprises who submitted a bid in the amount of \$54,000.00 (including Alternate #1), 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-04-55-400-233 (Ordinance #2211-15; Improvement Municipal Building); 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 J.H. Williams Enterprises, 231 Haines Drive, Moorestown NJ 08057 in the amount of \$54,000.00 (includes Alternate #1); 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 Dember, Kownacki, Maffei, Powers and Mayor Lewis.

Nays: None.

Introduction of Ordinances

There was no Introduction of Ordinances.

Adoption of Ordinances

Mayor Lewis read by title, an Ordinance entitled, "AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LAWRENCE TO PROVIDE FOR AN ADMINISTRATIVE FEE FOR THE IMPOUNDMENT, STORAGE AND PROCESSING OF CERTAIN VEHICLES."

Mr. Powers inquired as to how the administrative fee of \$60 was surmised. Mr. Krawczun stated that an analysis was done by the Police Department to establish the amount of time the process takes the clerk for each function.

Ordinance No. 2218-15

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP
OF LAWRENCE TO PROVIDE FOR AN ADMINISTRATIVE FEE
FOR THE IMPOUNDMENT, STORAGE, AND PROCESSING OF
CERTAIN VEHICLES

WHEREAS, pursuant to N.J.S.A. 40:48-2. 49, the Township of Lawrence is authorized to enact an ordinance setting forth regulations for the removal of motor vehicles from private or public property, including the fees charged and notice requirements for such removal and storage; and

WHEREAS, the New Jersey Motor Vehicle and Criminal Code provides a comprehensive system for the towing of vehicles that are stolen, abandoned, disabled or used for certain unlawful purposes among other things; and

WHEREAS, the towing of vehicles from public streets requires a substantial amount of traffic management, vehicle inventorying, record keeping, notices and other documentation and towing, which generates much necessary work by the police department and its civilian employees; and

WHEREAS, the expense of the administration of towing is a necessary part of ensuring that non-moving vehicles do not present safety hazards to the use of the public streets within the Township; and

WHEREAS, the Township Council of the Township of Lawrence finds that the persons responsible for payment of the costs charged by the towing companies as described in the said provisions of the Vehicle and Criminal Code should properly bear the administrative expenses incurred by the Township in regulating its streets and keeping non-moving vehicles off of them to preserve public safety and order, rather than the general funds of taxpayers; and

WHEREAS, the Township Council of the Township of Lawrence has an interest in reducing illegal drug activity, illegal weapon activity and other significant vehicle and criminal activity within the Township, while promoting the safety and welfare of persons and their property within the Township of Lawrence; and

WHEREAS, the Township Council has determined that the lawful impoundment of motor vehicles will serve as a deterrent in reducing illegal drug and firearm activity, illegal driving under the influence and other significant driving and vehicle related offenses by vehicle owners and operators.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lawrence, in the County of Mercer and State of New Jersey as follows:

Section 1. The Code of the Township of Lawrence, be and is hereby amended by the addition of the following new Chapter which provides for an administrative fee for the management, vehicle inventorying, record keeping, notices and other documentation of certain vehicles that are towed by the Township of Lawrence.

CHAPTER 6A

ADMINISTRATIVE FEE FOR CERTAIN VEHICLES

Sec. 6A-26. Purpose and Scope.

- A. The purposes of this Chapter are:
1. To establish an administrative fee for the management, vehicle inventorying, record keeping, notices and other documentation of certain vehicles that are towed at the direction of the Lawrence Police Department;
 2. To establish, in the interest of public safety, a uniform policy for the impounding, inventorying and storage of certain motor vehicles;

The Fee Schedule of the Township of Lawrence is hereby amended and shall hereafter read as follows:

FEE SCHEDULE.

A. Administrative Fee for Impounded Vehicles Stored at Contracted Towing Business

1. The administrative fee charged for all acts and record-keeping relating to the towing of impounded vehicles within the Township under authority of the Police Department by a contracted towing business to their impound lot shall be \$60.00 per vehicle, per tow. This administrative fee shall be paid to the Township of Lawrence in cash, cashier's check, money order or certified funds.
2. A motor vehicle is considered impounded when it is towed to a secure storage area due to:
 - a) the vehicle being a danger to the public because of where it is parked or its condition;
 - b) the vehicle is unregistered under N.J.S.A. 39:3-4;
 - c) the vehicle is uninsured as required by N.J.S.A. 39:6B-2 and the vehicle cannot be legally parked;
 - d) the operator's driver's license is suspended or revoked pursuant to N.J.S.A. 39:3-40 and there is no other licensed driver present and the vehicle is not legally parked;
 - e) the driver has been arrested for Driving While Intoxicated under N.J.S.A. 39:4-50 (when involved in Motor Vehicle Crash and the vehicle is no longer drivable); or
 - f) the vehicle is disabled and unattended or abandoned and obstructs traffic under N.J.S.A. 39:4-136.
3. In each of these instances the registered owner is required to present proof of ownership, a valid registration, proof of valid insurance and a licensed driver to a Lawrence Township Police Officer at Lawrence Township Police headquarters prior to the vehicle being released. If the registered owner cannot personally come to the Police Station, a NOTARIZED letter giving permission to the specific person picking up the car is required. A police officer will inspect the presented documents and provide a release form to be presented to the contracted towing business for the vehicle's release after the administrative fee is paid. The registered owner must satisfy all towing and storage charges prior to the release of the vehicle.

4. If a motor vehicle cannot be registered or insured, such as an all-terrain vehicle, go cart, golf cart, snow mobile, etc., then the owner must show proof of ownership and have the vehicle removed from Impound by having it towed or transported in a secondary vehicle. A release form is required and an administrative fee must be paid to the Township of Lawrence, and the towing and storage fees must be paid to the contracted tow company
5. A motor vehicle is not considered Impounded if it is towed for being disabled or involved in a motor vehicle crash, as long as none of the violations listed above apply.

B. Administrative Fee for Vehicles Impounded at the Lawrence Township Police Department Impound Lot

1. In addition to any fees charged for the towing and storage of an impounded vehicle by a contracted towing business, the Township of Lawrence may impose an administrative fee of \$300 related to its administrative and processing costs associated with the investigation, impoundment, inspection, inventory, storage and release of the vehicle, while in the Lawrence Township Police Department impound. The administrative fee shall be waived upon verifiable proof that the vehicle was stolen at the time the vehicle was impounded.
2. The administrative fee may be imposed and a motor vehicle may be impounded at the Lawrence Township Police Department Impound lot if probable cause that any of the following violations have occurred:
 - a) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to 2C:64-1; or
 - b) A motor vehicle that contains evidence of a crime or possible crime pursuant to 2C:64-1; or
 - c) Driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of 39:4-50; or
 - d) Operation or use of a motor vehicle in which a violation of subsection., d, or f., of NJS 2C:39-5 (Unlawful Possession of a Weapon) was committed pursuant to 2C:43-2.4; or

- e) Operation or use of a motor vehicle in which possession of a handgun, rifle, or shotgun for an unlawful purpose in violation of NJS 2C:39-4 (Possession of a Weapon for an Unlawful Purpose) was committed pursuant to 2C:43-2.4; or
 - f) Operation or use of a motor vehicle in which a violation of subsection b, or c of NJS 2C:39-5 (Unlawful Possession of a Weapon) was committed in addition to the motor vehicle being used to commit a separate crime of the first, second, third or fourth degree under Title 2C of the New Jersey Statutes pursuant to 2C:43-2.4; or
 - g) Operation or use of a motor vehicle which was used in the commission of any offense under subsection b. of NJS 2C:34-1 (Prostitution); pursuant to 2C:43-2.4; or
 - h) Operation or use of a motor vehicle which was used in the commission of an offense under subsection a. of NJS 2C:35-10 (Possession, Use or Being Under the Influence of, or Failure to Make Required Disposition of a Controlled Dangerous Substance) subsection a. of NJS 2C:35-5 (Manufacturing, Distributing or Dispensing a Controlled Dangerous Substance) pursuant to 2C: 43-2.4.
3. All administrative fees and towing and storage fees shall be imposed on the registered owner of the motor vehicle. The registered owner shall be entitled to a hearing, upon request.
 4. The administrative fees shall be collected by and paid to the Township in cash, cashier's check, money order or certified funds. The Township and storage fee, if applicable, shall be collected by and paid to the person or entity that tows and stores the impounded vehicle.
 5. The registered owner of the vehicle shall be provided notice of the impoundment and of the right to request a hearing.
 6. If after 5 business days from the date of the impound, the registered owner or lessor of the impounded vehicle fails to claim the vehicle from impound, unless forfeiture proceedings are pending, then the impounded vehicle will be removed from the Lawrence Township Police impound lot by the contracted towing agency that originally towed the vehicle and stored at the contracted towing agency's impound lot. The cost of this second-non-emergent tow will be no more than \$125.00 and imposed on the registered owner of the vehicle. Storage costs will also begin

once the impounded vehicle arrives at the contracted towing agency's impound lot at the current rate as outlined in the Towing and Storage Ordinance #2201-14.

7. If the owner-lessor or registered owner of an impounded vehicle fails to claim the impounded vehicle by midnight of the 90th day following the day on which the vehicle was impounded, that vehicle may be sold at auction; provided however, a vehicle shall not be sold until the lessee or registered owner has been convicted on the offense, or offenses pursuant to Section B.2.f. of this ordinance, for which the vehicle was impounded. Property impounded under this section shall not be sold if the owner of the property establishes by a preponderance of the evidence that the owner was not involved in or aware of the unlawful activity and that the owner had done all that could reasonably be expected to prevent the proscribed use of the property by an agent. A person who uses or possesses property with the consent or knowledge of the owner is deemed to be the agent of the owner.
 - a) Notice of the sale shall be given by the impounding entity by certified mail to the owner of the vehicle, if the owner's name and address are known, and to the lienholder, if the lienholder's name and address are known, and by publication in a form prescribed by the chief administrator by one insertion, at least five days before the date of the sale, in one or more newspapers published in this State and circulating in the municipality in which the vehicle is impounded.
 - b) At any time prior to the sale of an impounded vehicle, the owner or other person entitled to the vehicle may reclaim possession upon showing proof of registration and insurance and paying all costs associated with the impoundment, and reasonable towing and storage fees and administrative fees.
 - c) The owner/lessor of an impounded vehicle shall be entitled to reclaim possession without payment or proof of insurance and the lessee shall be liable for all outstanding costs associated with the impoundment, towing, and storage of the vehicle and the administrative fees.
 - d) Any proceeds obtained from the sale of a vehicle at public auction pursuant to subsection d. of this section in excess of the amount owed for the administrative fees, towing and storage fees and any other costs associated with the

impoundment of the vehicle shall be returned to the owner of that vehicle, if his name and address are known.

- e) Nothing in this Ordinance shall be construed to in any way to limit or abridge the authority provided by NJS 2C:64-1.
- 8. Applicability of Other Laws: This Ordinance is in addition to and shall not replace or otherwise abrogate any existing state or federal laws or any ordinance that related to the seizure or impoundment of motor vehicles, and any fee provided for in this Section shall be in addition to any and all penalties that may be assessed or imposed by a Court for any criminal charges. This Section shall not apply: (1) if the motor vehicle used in the violation was stolen at the time of the violation; or, (2) if the motor vehicle is subject to successful forfeiture proceedings under any state or federal forfeiture laws.
- 9. Administrative Fee Refund: A finding of “not guilty” following a trial in any Court for the underlying violation wherein the motor vehicle was impounded, shall entitle the owner of record to a full and complete refund of any administrative fee imposed under this Section. However, the owner of record must request the refund in writing and shall include in the request a certified disposition of “not guilty” following a trial.

COMPLAINT AND DISPUTE RESOLUTION

- A. If the owner of record of a vehicle seized pursuant to this Chapter desires to appeal the impoundment of their vehicle, the owner must make a request for a preliminary hearing within 48 hours of the seizure. The request shall be in writing and filed with the Chief of Police or his designee, who shall conduct such preliminary hearing within 24 hours after receipt of the request, excluding Saturdays, Sundays or holidays.
- B. All interested persons shall be given a reasonable opportunity to be heard at the preliminary vehicle impoundment hearing. The formal rules of evidence shall not apply at the hearing and hearsay evidence shall be admissible only if it is the type commonly relied upon by reasonably prudent persons in the conduct of their affairs.
- C. If, after the hearing, the Chief of Police or his designee determines there is probably cause to believe that the vehicle is subject to seizure and impoundment pursuant to this Chapter, the continued impoundment of the vehicle shall be ordered as provided herein unless the vehicle owner pays the Administrative Fee to the Township and pays the contracted towing agent any applicable towing and storage fees.

- D. If the Chief of Police or his designee determines there is no such probable cause, the vehicle will be returned without penalty or other fees.
- E. Any appeal of the Chief of Police’s decision may be appealed to the Governing Body of the Township.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Lawrence, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Lawrence are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal Law.

Section 5. This Ordinance shall take effect 20 days after adoption thereof.

The Ordinance was adopted on the following roll call vote:

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

Manager’s Report –

Mr. Krawczun submitted invoice listings for the month of September 2015 in the amount of \$1,570,825.84.

Mr. Krawczun discussed his meeting with the Department of Transportation and their support of excluding Princeton Pike from truck traffic and imposing a weight limit on Fackler Road. Mr. Krawczun supplied a map which shows that Princeton Pike and Fackler Road are State County Roads; County Routes 583 and 569 respectively. The County has jurisdiction on County Route 583 from the Delaware Canal to Quakerbridge Road. The portion of the roadway which is in Lawrence Township has not been maintained by the County, and falls into Lawrence Township’s jurisdiction.

Mr. Krawczun stated that he would like to establish weight limits on Fackler Road as it is a safety concern. Mr. Krawczun has seen video of truck traffic on Fackler Road crossing the center line into oncoming traffic. Mr. Krawczun believes that by establishing a weight limit on the road, truck traffic can be limited by way of enforcement. Mr. Krawczun requested Council to consider an Ordinance to create a weight limit on Fackler Road.

Mayor Lewis stated that serious discussions had taken place in the past regarding whether truck traffic should change for all of Princeton Pike. She feels this is a good compromise; it allows for truck traffic to the businesses that are needed but also preserves the roadway. She also agrees with the weight limit for Fackler Road as the situation needs to be addressed as heavy trucks driving on that street continually ruins the road surface, resulting in additional maintenance and repaving.

Dr. Maffei asked where the traffic would be re-routed to if Fackler Road has weight restrictions. Mr. Krawczun stated that trucks would need to take Route 206 northbound. They would still have access to Princeton Pike going northbound, without having to proceed onto Fackler Road.

Mr. Krawczun then spoke about the Township receiving five month immunity for Affordable Housing. The Township needs to install an Affordable Housing Plan that protects the Township from any lawsuits. During this five month period, Council and the Planning Board will participate in developing a Fair Housing Plan under a currently unknown number of affordable houses. In the interim, the Manager will be hearing from organizations that are interested in developing affordable housing in Lawrence Township.

Mr. Krawczun then told of four Police Officers who had retired. The Township's Fire Marshall has retired as well.

Mr. Krawczun then touched on a matter that he states will affect the budget and some areas of the community esthetically as far as trees are concerned. The New Jersey Department of Agriculture sent a letter to the Township concerning the Emerald Ash Borer insect which was discovered in New Jersey in May of 2014. The letter from the State dated June of 2015. The Township received the letter as the insect has been discovered in adjoining municipalities, Ewing Township, West Windsor, and throughout Mercer County earlier this year.

Mr. Krawczun said that a survey had been conducted in the town and there are 456 ash trees. Plans are in the works to either prevent or eliminate some of the trees in a comprehensive way that will not create neighborhoods that are barren of trees. The Township will be looking at alternative methods of prevention by soil drenching, and using chemicals to eradicate the ash borer. Mr. Krawczun stated that his office will be putting information together to present to Council, but he wanted to bring it up as this issue will affect the Township economically and some neighborhoods in the Township

that are densely populated with the ash trees. Mr. Krawczun said he will be working with the Shade Tree Committee to combat the problem.

Attorney's Report –

Mr. Roskos discussed the Affordable Housing situation that Mr. Krawczun had spoken of in his report. The five month immunity period, in his opinion, is too short of a time period, and he surmises that he will be asking for an extension. He stated that this is a battle of experts in terms of the numbers, and after that process is completed there will be discussion as to what individual Townships have done to address their affordable housing obligations.

Mr. Roskos said that Lawrence Township has a wonderful history of over 30 years exceeding its obligation, and he feels the Township does not get the recognition it deserves in terms of the perspective needs. Mr. Roskos mentioned David Kinsey's report tallied by the Fair Share Housing and Building Association which states that there should be 1,000 units in Lawrence Township. Mr. Roskos feels that number is dramatically overstated. He did meet with other Townships, and he believes there will be a Joint Defense Agreement. Mr. Roskos will keep the Council updated.

Clerk's Report –

There was no Clerk's Report.

Old Business –

There was no Old Business.

New Business –

There was no new business.

Public Participation (3-minute limitation per speaker) –

There was no Public Participation.

Resolutions

Resolution Nos. 280-15(18-A) through 301-15(18-U), excluding 291-15(18-L) and 300-15(18-T) were approved by the following roll call vote:

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

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

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Mayor Lewis then asked for a motion for Resolution No. 300-15(18-T)

Mr. Kownacki commented that if the Council follows through with what has been done in the past, appointments are not made when there are only four months left of the year. Mr. Kownacki said that there are problems with the Committee (which this Resolution would serve as to naming a new appointee to the Committee), and that it should be tabled until the issues can be addressed by Council.

Resolution No. 300-15(18-T) was tabled on the following roll call vote:

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

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

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**Council Initiatives/Liaison Reports –**

There was no Council Initiatives or Liaison Reports.

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**Written Communications –**

There were no written communications.

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There being no further business to come before this Council, the meeting adjourned at 7:30 p.m.

Respectfully submitted by,

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Kathleen S. Norcia, Municipal Clerk

Attest:

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Cathleen M. Lewis, Mayor