

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

March 21, 2017

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, March 21, 2017 at 6:30 P.M.

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

At the commencement of the meeting Mayor Maffei 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, March 21, 2017, 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." Said Notice was forwarded to The Trentonian, The Times and The Princeton Packet on December 22, 2016.

The roll was then called as follows:

Present: Councilmembers Bobbitt, Kownacki, Lewis, Powers and Mayor Maffei.
Absent: None.

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

Special Proclamations, Recognitions and Presentations

There were no proclamations or presentations.

Public Participation (5-minute limitation per speaker)

Mr. Harold Wesley, 138 Drift Avenue, advised that he has resided in Lawrence Township since 1974 and for the last forty years the Township has been rewarded at his expense and explained that he has well water and for forty years he has been paying on average three times the amount for sewage than his neighbors who have city water and

that he recently found out that he could have his well metered and has since made the correction by having one installed. He then proceeded to discuss the Township not having anyone to read the meter and him appealing to the moral conscience of Township Council to come to some kind of a resolution regarding a refund for the overcharge of sewer fees. He further advised that he is disabled; on a fixed income and little delinquent in his taxes and that any relief would be greatly appreciated.

Mr. Krawczun advised that in 1996 or 1997 there was a change in accordance with the Federal Clean Water Act and prior to that enactment there was a flat fee charged for everybody for sewer treatment. Representatives from the Environmental Protection Agency came to Lawrence Township and basically advised to avoid a lawsuit that a Rate Ordinance for sewer should be based on consumption and if it is not changed Lawrence Township could be sued in court for violation of the Clean Water Act. There was a process to get the rate ordinance approved in which they worked alongside representatives from Environmental Protection Agency and because residences on well water are not monitored or metered there had to be some type of standard set to count for the water usage. The usage amount is based on an average household and nothing has changed since that time. Well users usage is based on 14,000 cubic feet and that is what is reflected on his sewer bill and proceeded to explain for the first 20 years there was a flat fee equal for all residents then the ordinance was amended when the Township agreed to comply with EPA standards to avoid a lawsuit. The Ordinance was amended and approved by the EPA and since that time the rates have changed but not the quantities of use.

Ms. Lewis stated that she appreciates Mr. Wesley coming out to speak before Council but she feels it is important for him and other residents to understand while the Township bills and collects the money for sewer, the money does not actually stay in the Township; it goes to the Ewing-Lawrence Sewage Authority. The Township is essentially a pass-through that pays the money to the sewerage authority and collected taxes are a pass-through as well. And, because the Township does not keep the money for sewer they do not have the ability to credit him with anything and advised that ELSA has a Board and suggested that he take the issue up with them. A general discussion ensued relative to well usage versus regular usage and the significant difference in cost Mr. Wesley has endured over the last forty years.

Mr. Powers advised Mr. Wesley that he might be eligible for the senior property tax freeze since he has been in his home so long and questioned if he ever tried to apply. Mr. Wesley replied no. Mr. Krawczun suggested that Mr. Wesley go see the Tax Assessor's Office as their office would have the information that would help him apply for the senior citizens freeze which is a senior citizen discount off of his taxes. And, if he is an eligible veteran he could apply for the veteran's discount which could be applied to his taxes as well and those two options might help ease some of the financial burden.

Review and Revisions of Agenda

Mr. Krawczun advised that there is a Resolution before the Council for consideration after the Executive Session and if there is a concurrence on the matter formal action will be taken after the closed meeting. Mr. Roskos requested that the Closed Session Minutes of January 12, 2017 be pulled for further review as he has not had a chance to speak with the Deputy Clerk concerning some corrections.

Adoption of Minutes

On a motion by Ms. Lewis, seconded by Mr. Powers, the Minutes of Closed Session Meeting of March 7 2017 were approved on the following roll call vote:

Same was carried on the following roll call vote:

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

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On a motion by Ms. Lewis, seconded by Mr. Powers, the Minutes of Regular Meeting of February 21, 2017 were approved on the following roll call vote:

Same was carried on the following roll call vote:

Ayes: Councilmembers, Bobbitt, Kownacki, Lewis, Power and Mayor Maffei.  
Nays: None.

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Awarding or Rejecting of Bids

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

On a motion by Ms. Lewis, seconded by Mr. Bobbitt, Resolution (9-A), Authorizing Rejecting Bid for 34 Chamberlin Court, was presented for adoption.

Resolution No. 150-17

WHEREAS, on Wednesday, March 15, 2017 bids were received and publicly opened for the project known as 34 Chamberlin Court; and

WHEREAS, two (2) bids were received, opened and reviewed by the appropriate Township Officials; and

WHEREAS, the bids that were received are being rejected in accordance with Section 40A:11-13.2.d and to substantially revise the specifications; and

WHEREAS, the Municipal Manager has recommended that all bids be rejected.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that the bids received for 34 Chamberlin Court are hereby rejected pursuant to N.J.S.A. 40A:11-13.2d due to the fact that the bid package did not include instructions regarding prevailing wage.

Same was carried on the following roll call vote:

Ayes: Councilmembers Bobbitt, Kownacki, Lewis, Powers and Mayor Maffei.  
Absent: None.

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Introduction of Ordinances

Mayor Maffei read by title, an ordinance entitled, "BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY APPROPRIATING THE AGGREGATE AMOUNT OF \$1,845,000 AND AUTHORIZING THE ISSUANCE OF \$1,772,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF"

Mr. Krawczun advised that the Ordinance referred to as a capital ordinance authorizes capital projects in accordance with the Local Bond Law. Those projects are shown for what the permitted purposes are and those purposes dictate how bond proceeds can be spent. The ordinance is a multi-purpose ordinance that contains various different improvements and authorizes an aggregates amount of capital expenditures in the amount of \$1,845,000 and the issuance of bonds or notes in the amount of \$1,722,000.

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

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

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Mayor Maffei read by title, an ordinance entitled, "ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH TO CAP BANK FOR THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER"

Mr. Krawczun advised that the Ordinance is required to create an "appropriation CAP Bank" in accordance with the Local Budget Law that prohibits the increase of municipal appropriations that are subject to the CAP to no more than 2.5% of the cost of living adjustment, whichever is less. In 2017, the Cost of Living Adjustment for those appropriations was at .5%. The Budget Law permits an increase up to 3.5% for appropriations to raise either in a current budget year or either of the next two subsequent budget years. He further advised that Lawrence Township does not need that additional capacity for this year's budget as the Township is under CAP for appropriations; but it will remain available in the next two budget years to be used if necessary. Further, it is not cash; it is reserve authorization that does not increase taxes or require the Township to set aside any cash reserves and after two years it ceases to exist.

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

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

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Adoption of Ordinances

Mayor Maffei 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 \$1,567,000 WHEREAS ANY TRANSPORTATION TRUST GRANT FUNDING TO BE USED TO OFFSET BONDS OR NOTES AND AUTHORIZING THE ISSUANCE OF \$1,440,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF"

Ordinance No. 2257-17

BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS IN AND BY THE TOWNSHIP OF LAWRENCE IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$1,567,000, WHEREAS ANY TRANSPORTATION TRUST GRANT FUNDING TO BE USED TO OFFSET BONDS OR NOTES AND AUTHORIZING THE ISSUANCE OF \$1,440,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

**BE IT ORDAINED** by the Township Council of the Township of Lawrence in the County of Mercer, State of New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

**Section 1.** The improvement described in Section 2 of this bond ordinance is hereby authorized to be undertaken by the Township of Lawrence, New Jersey as a general improvement. For the improvement or purpose described in Section 2, there is hereby appropriated the sum of \$1,567,000 and the sum of \$127,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

**Section 2.** In order to finance the cost of the improvement or purpose not covered by application of the down payment or the grant referred to in Section 1, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,440,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**Section 3.** (a) The improvement hereby authorized and the purpose for the financing of which the bonds to be issued is the: (1) Princeton Pike, Overlay and Reconstruction (Lewisville Road to Fackler Road); including construction, design and inspection; (2) road improvement program: Brandon Road, Spring Beauty Drive, Larkspur Lane, Chopin Lane, Merion Place, Penlaw Road, Keefe Road (Yeager Drive to Cold Soil Road), Ohio Avenue (Pilgram Avenue to Plum Street), Helen Avenue, Johnson Road, Mabel Avenue, Texas Avenue, Wenczel Drive, Eldridge Avenue; (3) Miscellaneous Guide Rail Replacement; (4) Road Striping; (5) Concrete Improvements incidental to overlay and all work and materials therefore or incidental thereto and all as shown on and in accordance with the plans and specifications therefore on file in the office of the Municipal Clerk, which plans are hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is \$1,567,000.

**Section 4.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

**Section 5.** The capital budget of the Township of Lawrence is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

**Section 6.** The following additional matters are hereby determined, declared, recited and stated: (a) The purposes described in Section 2 of this bond ordinance are not current expenses. They are all improvements that may be lawfully undertaken as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness, and the reasonable life thereof, within the limitations of the Local Bond Law is 16.53 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,440,000 and the obligations authorized herein will be within all debt limitations prescribed by the Law.

(d) An aggregate amount not exceeding \$52,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purpose of improvements.

**Section 7.** The grant referred to in Section 1 when received will be applied to the direct payment of the cost of the improvements authorized herein. Any other grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

**Section 8.** The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, the in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**Section 9.** The full faith and credit of the Township are hereby pledged to the punctual payment of the principal and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

**Section 10.** The Township reasonably expects to reimburse any expenditures towards the cost of the improvement or purpose described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same "control group" as the Township, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. The Section is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures towards the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.103-13(j) or 1.148-9(g) to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

**Section 11.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor Maffei asked for comments, if any, from the Council and comments, if any, from the public and there being none Ordinance 2257-17 was approved on the following roll call vote:

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

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**Manager’s Report –**

Mr. Krawczun distributed a memorandum from Mark Ubry, Chief of Police, regarding a proposed Second Hand Goods Ordinance and advised that Lawrence Township currently has a Precious Metal Ordinance that solely monitors the re-sale of precious metals, basically, for pawn shops and that the Police Chief is recommending that the ordinance be expanded to include what is known as second hand goods because there are other types of devices such gift cards, cell phones, video games and other like items that are being pawned and by requiring all businesses who buy second hand items to report the purchase better protects the residents and visitors of Lawrence Township. There is also an attached memo along with a model ordinance that explains the differences between the existing ordinance and the proposed ordinance for their review and that a copy was given to the Township Attorney for his review as well.

Mr. Krawczun distributed a handout from NJDOT regarding the Route 206 bridges (Stone Arch Bridge and Flood Channel Bridge) to be repaired over Stony Brook and indicated as he speaks there is an meeting being held in Princeton at the Public Information Center to discuss the improvements and construction schedule in connection with the project and he is bringing this to attention of the Council because according to the information provided there will be a detour from July to October 2017, and indicated Jim Parvesse, Township Engineer, is attending the meeting to find out more of the details and to see if there will be any overlap of the closing of the exit ramp from I-95 to Route 1 northbound as he would hate to venture a guess of the impact those two projects could cause on traffic, particularly, during the day. A general discussion followed relative to the closures and clarification on the time periods when the work will take place.

Mr. Krawczun distributed a memorandum regarding 2017 Budget Changes and advised Council that changes have been made to the budget document presented for introduction compared to the recommended budget that was presented on January 17. The overall budget was reduced by \$340 and that came from a reduction in the amount to be raised by taxation. There have been some changes in appropriations and a brief explanation as to what the purposes are but none of the changes affect the Capital Improvement Plan only the operating cost. He asked that the Council look over the information and if there are any changes necessary they can do an amendment to the budget prior to adoption.

Mr. Krawczun advised that the Township put in a request for a bus stop on Route 206 near Carter Road which triggered the NJDOT to review all the bus stops along Route 206. They have presented the Township with a summary of what bus stops will actually be approved and/or deleted. Final action will be required by the Township Council to adopt a Resolution memorializing what stops are approved and what stops will be deleted. A brief discussion took place relative to existing and non-existing bus stop location recommended for approval and removal.

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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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**Unfinished Business –**

There was no unfinished business.

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**New Business –**

There was no new business.

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

There was no public participation.

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**Resolutions**

Resolution Nos. 140-17 (18-A) through 151-17(18-K) with the exception of (Resolution 150-17 Rejection of Bid) were approved by the following roll call vote:

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

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

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**Introduction of the 2017 Municipal Budget**

Resolution Nos. 152-16(19-A) through 154a-17(19-D) was approved by the following roll call vote:

| COUNCIL      | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|--------------|-----|-----|---------|--------|---------|------|--------|
| Mr. Bobbitt  | X   |     |         |        |         |      |        |
| Mr. Kownacki | X   |     |         |        |         |      | X      |
| Ms. Lewis    | X   |     |         |        |         | X    |        |
| Mr. Powers   | X   |     |         |        |         |      |        |
| Mayor Maffei | 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 –**

Ms. Lewis noted that the Lawrence Township Police Department is having an Easter Egg Hunt on Saturday, April 8 that use to be an event sponsored by the Recreation Department and has since been taken over by the police department.

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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 and Council went into closed session at 7:05 pm.

After closed session, Council reconvened the Regular Meeting to pass Resolution No. 155-17 on the following roll call vote:

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

Adjourned: 7:40 pm

Respectfully submitted by,

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Kathleen S. Norcia, Municipal Clerk

Attest:

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David C. Maffei, Mayor

Re-opening of the Regular Meeting of Council:

7:35 p.m.

After the Closed Session discussion, the meeting was reconvened to include Resolution 155-17 – Authorizing Bargaining Agreement with AFSCME Local 2476 for the Period of January 1, 2017 through December 31, 2019.

Resolution No.155-17 was approved by the following roll call vote:

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

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

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

7.35 p.m.