

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

March 20, 2018

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, March 20, 2018, 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 Bobbitt 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 20, 2018, 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 26, 2017.

The roll was then called as follows:

Present: Councilmembers Kownacki, Maffei, Powers and Mayor Bobbitt.
Absent: Councilwoman Lewis. (Arrived at 6:45 p.m.)

Also in attendance were Kevin Nerwinski, Esq., Municipal Manager, and David Roskos, Esq., Municipal Attorney and Peter Kiriakatis, Chief Financial Officer.

Special Proclamations, Recognitions and Presentations

There were no proclamations or presentations.

Public Participation (5-minute limitation per speaker)

There was no public participation.

Review and Revisions of Agenda

The Municipal Clerk requested that Resolution 18-H.7 - Closed Session, be removed and replaced with Resolution 129-18 (18-H.7) - Authorizing an Award of Contract with Occupational Health, on the Agenda.

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

Same was carried on the following roll call vote:

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

Adoption of Minutes

On a motion by Mr. Powers, seconded by Dr. Maffei, the Minutes of Regular Meeting of January 16, 2018 were approved on the following roll call vote:

Same was carried on the following roll call vote:

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

Awarding or Rejecting of Bids

There was no rejection or award of bid.

Introduction of Ordinances

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

Mr. Kiriakatis stated that the Ordinance establishes the appropriations CAP Bank for the next succeeding years 2019 and 2020, and it allows the Township to increase the CAP rate of 2.5% up to 3.5% of their final appropriations and the difference between the two percentages will be banked for future, as provided by the Local Budget Law.

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

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

Mayor Bobbitt read by title, an ordinance entitled, “AN ORDINANCE AMENDING ORDINANCE NO 2288-18 SALARY ORDINANCE OF THE TOWNSHIP OF LAWRENCE – UNCLASSIFIED AND/OR EXEMPT, SEASONAL, EMERGENCY (NON-UNION) EMPLOYEES FOR 2018-2019”

Mr. Nerwinski advised that the Ordinance amends the Salary Ordinance of the Township of Lawrence to include the anticipated new position of SLEO Class III Officer at an hourly rate of \$26.00 for 2018. The position will become effective upon the adoption of the 2018 Budget and the officer’s employment may start immediately thereafter for the remainder of the 2017-2018 school year at Lawrence High School. The goal is to be able to post the new position and make it active May 1st which they have time to discuss prior to making a final decision and his approval is based on the recommendation and thought process of the Chief of Police.

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

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

Adoption of Ordinances

Mayor Bobbitt read by title, an ordinance entitled, “AN ORDINANCE AMENDING AND REPLACING ORDINANCE NO. 1643-01 CHAPTER 10 OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE ENTITLED “GARBAGE AND REFUSE”

Ordinance No. 2292-18

AN ORDINANCE AMENDING AND REPLACING ORDINANCE NO.1643-01 CHAPTER 10 OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE ENTITLED “GARBAGE AND REFUSE”

BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that Chapter 10 of the Lawrence Township Administrative Code entitled "Garbage and Refuse" be and is hereby amended as follows:

I. Section 10-8 - Placement of Garbage and Refuse

Garbage and Refuse shall be disposed of pursuant to the following regulations:

- (a) All garbage shall be placed at the road or street edge clear of any gutter or drain in a manner convenient to collection.
- (b) Garbage shall be placed for collection no earlier than 5:00 p.m. of the day prior to scheduled collection.
- (c) Trash containers shall be removed from the street or road within forty-eight (48) hours of garbage collection.
- (d) With the exception of bulk waste, all garbage, including grass, shall be placed in trash containers owned and issued by the Township of Lawrence. Bulk waste consists of items to be discarded which are too large to fit into the cart. The exceptions are "white goods" such as washers, dryers and refrigerators and bulky material too large to fit in the "hopper" of any vehicle used for collection.
- (e) Each household or [business] may utilize up to two hundred gallons of container capacity per collection. For exceptional circumstances, the two-hundred gallon limit may be exceeded by use of an additional trash container for an annual cost. Application shall be made to the Municipal Manager.
- (f) The owner or occupant of a residence [or business] may lease additional trash containers, for fees as set forth in Chapter 6A The License, Permit and Fee Chapter of the Lawrence Township Administrative Code, and shall be subject to the following regulations:
 - 1) The leased trash container remains the property of the Township of Lawrence.
 - 2) The lessee must notify the Township, within five days of vacating the property for which the container was leased, of the impending vacation.
 - 3) Upon vacating the property, the lessee must either return the container to the Department of Public Works during normal

business hours or place the container at the location utilized for trash collection.

- (g) At the time of application for a Certificate of Occupancy for a new principal use, the applicant shall lease a 95-gallon container unless such use is in a location not serviced by curbside collection or, in the case of a non-residential use, commercial containerized service is being provided.
- (h) Condominium Associations, under terms mutually agreed to by the Association and the Township may be serviced by means other than Township-owned and issued trash containers.

II. Violation

Any person violating or failing to comply with any provision of this ordinance shall, upon conviction thereof, be subject to a fine of up to \$2,000.

III. Repealer

All ordinances or parts of same inconsistent with any of the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

IV. Severability

If any section, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason, the remaining portions of said ordinance shall not be affected thereby and shall remain in full force and effect.

V. Effective Date

This ordinance shall become effective twenty (20) days after adoption thereof.

Ordinance No. 2292-18 was introduced and approved on the following roll call vote:

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

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Mayor Bobbitt read by title, an ordinance entitled, "AN ORDINANCE AMENDING THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE, CHAPTER 6A, ENTITLED: "FEES: THE CONSOLIDATED LICENSE, PERMIT AND FEE CHAPTER"

Ordinance No. 2293-18

AN ORDINANCE AMENDING ORDINANCE NO. 2134-12 –  
AMENDING 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 1.

|            |                                                                                                                                                                                                                                                         |                                                                                                                   |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Sec. 6A-2  | Animals<br>Animal Trap Rental<br>Animal Release                                                                                                                                                                                                         | \$15.00/1-7 days<br>\$50.00                                                                                       |
| Sec. 6A-3  | Fire Prevention<br>(a) Basic Inspection Fee<br>Under 500 sf<br>501 - 999 sf<br>1,000 - 4,999 sf<br>5,000 – 9,999 sf<br>10,000 – 15,000 sf<br>15,001 – 20,000 sf<br>20,001 – 30,000 sf<br>Over 30,000 sf<br>Fire Lane Summons<br>MRNA Alarm Registration | \$75.00<br>\$105.00<br>\$145.00<br>\$180.00<br>\$200.00<br>\$285.00<br>\$395.00<br>\$620.00<br>\$50.00<br>\$30.00 |
| Sec. 6A-4  | Retail Food Licenses<br>Food Handlers Licenses –<br>Various Categories<br>Food Handlers Licenses-Duplicate<br>Food Handlers Licenses-Delinquent                                                                                                         | \$5.00-\$450.00<br>\$15.00<br>\$2.50/day                                                                          |
| Sec. 6A-7  | Events and gatherings<br>Miscellaneous events                                                                                                                                                                                                           | \$15.00/day                                                                                                       |
| Sec. 6A-11 | Individual Subsurface Sewage Disposal Systems<br>Septic System Application-New<br>Septic System Application-Alter.<br>Septic System Minor Repair<br>Septic System Tank Permit to Empty                                                                  | \$775.00<br>\$600.00<br>\$175.00<br>\$10.00                                                                       |

|              |                                                                                          |                                                    |
|--------------|------------------------------------------------------------------------------------------|----------------------------------------------------|
| Sec. 6A-19.1 | Swimming Pool Fees                                                                       |                                                    |
|              | Issuance/Renewal to Operate Year Round                                                   | \$525.00                                           |
|              | Issuance/Renewal to Operate Seasonal                                                     | \$325.00                                           |
|              | Locate and construct                                                                     | \$325.00                                           |
|              | Alterations                                                                              | \$325.00                                           |
| Sec. 6A-22   | Documents, copying and miscellaneous charges                                             |                                                    |
|              | Proof of Insurance Letter for Limousines                                                 | \$25.00 for first car; \$15.00 each additional car |
|              | Certified copies of marriage, birth, death, domestic partnership and civil union records | \$18.00                                            |
|              | Maps                                                                                     | \$10.00                                            |
|              | Flu Shot Fee (No fee if senior citizen or high risk)                                     | \$15.00                                            |
|              | Correction to Vital Records                                                              | \$35.00                                            |
| Sec. 6A-24   | Miscellaneous Fees                                                                       |                                                    |
|              | Well Installation                                                                        | \$175.00                                           |
|              | Well Abandonment                                                                         | \$75.00                                            |
|              | Housing Inspection Fee                                                                   | \$80.00                                            |
|              | Multiple Dwelling Units 1-7                                                              | \$39.00/unit                                       |
|              | Multiple Dwelling Units 8-24                                                             | \$27.00/unit                                       |
|              | Multiple Dwelling Units 25-48                                                            | \$24.00/unit                                       |
|              | Multiple Dwelling Units 49 and Up                                                        | \$18.00/unit                                       |
|              | Hotel 1-20 Units                                                                         | \$17.00/unit                                       |
|              | Hotel 21-100 Units                                                                       | \$14.00/unit                                       |
|              | Hotel 101-250 Units                                                                      | \$10.00/unit                                       |
|              | Hotel 251 Units & Up                                                                     | \$7.00/unit                                        |
|              | Leaf Mulch/Wood Chips Loading Fee                                                        | \$11.00/yard                                       |
|              | Receiving Material                                                                       | \$11.00/yard                                       |
|              | Mechanic's Labor Rate LTBOE                                                              | \$31.50/hour                                       |
|              | Mechanic's Labor Rate ELSA                                                               | \$31.50/hour                                       |
|              | Trash Container 95-Gallon                                                                | \$55.00                                            |
|              | Trash Container 65-Gallon                                                                | \$50.00                                            |
|              | Trash Container 35-Gallon                                                                | \$45.00                                            |
|              | <u>Additional Container:</u>                                                             |                                                    |
|              | <u>Trash Container 95-gallon (annual)</u>                                                | <u>\$250.00</u>                                    |
|              | <u>Trash Container 65-gallon (annual)</u>                                                | <u>\$200.00</u>                                    |
|              | <u>Trash Container 35-gallon (annual)</u>                                                | <u>\$150.00</u>                                    |

|            |                           |              |
|------------|---------------------------|--------------|
| Sec. 6A-26 | Police Department Fees    |              |
|            | (k) Firearms Purchase     |              |
|            | (1) Identification Card   | \$5.00       |
|            | (2) Pistol Permit         | \$2.00       |
|            | (l) Use of Police Vehicle | \$30.00/hour |

Section 2. Repealer

All ordinances or parts of same inconsistent with any provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 3. Severability

If any section, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason, the remaining portions of said ordinance shall not be affected thereby and shall remain in full force and effect.

Section 4. Effective Date

This ordinance shall take effect twenty (20) days after adoption thereof.

New material is underlined  
 Deleted material is bracketed [ ]

Ordinance No. 2293-18 was introduced and approved on the following roll call vote:

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

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**Manager’s Report –**

Mr. Nerwinski distributed copies of the 2018 Municipal Budget Introduction and imparted that they have had a series of hearings and departmental budget presentations and the 2018 budget includes a 3-cent tax increase in the proposed \$46.8 million municipal budget for contractual reasons, increase of staff and reasons out of their control. Mr. Nerwinski then asked for comments from the Council.

Mayor Bobbitt stated although it is painful to raise the municipal rate, having sat through listening to the entire Department Heads' requests and in speaking with the rest of the Administration, the tax increase seems like a prudent cost to pay in terms of providing services for their residents and being able to plan for the future. He thanked and extended his appreciation to Mr. Nerwinski and Mr. Kiriakatis for their thorough work on the 2018 Budget; especially, since this was their first budget, and to the Council for the supportive comments throughout the budget process. Mayor Bobbitt then asked for comments from the Council.

Mr. Powers echoed the sentiments of the Mayor and noted that today there was a school shooting in Maryland at a high school which is their reality. So, they are not just increasing the municipal rate without increasing staff levels as they are adding a police officer, public works employee and the Class III Special School Law Enforcement Officer, and indicated it is timely and the cost of those additional services is what they are seeing in the .03 cents.

Mr. Nerwinski further elaborated on need for the additional staffing as it relates to providing the departments with the necessary resources to do their jobs even better, as they have been asked to do a lot over the past seven or eight years with limited resources, and indicated the taxpayers' demand and deserve a lot and the 2018 Budget reflects that, without an excess of luxury items, as it represents they need to provide services that residents need and that the town needs to deliver to the residents.

**Introduction of the 2018 Municipal Budget**

Resolution No. 130-18 (12-A) was approved by the following roll call vote:

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

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

**Authorizing Open Space Tax Rate in 2018 Municipal Budget**

Resolution No. 125-18 (12-B) was approved by the following roll call vote:

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

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

Mr. Nerwinski further reported that they are preparing for another storm and the Administration has taken the necessary action. Unfortunately, Greg Whitehead, Director of Public Works, is in Florida trying to enjoy a vacation; but, has been spearheading the work from there as he has been in constant contact with them so he has no concerns that the town will not be able function exactly as they usually do. Also, based on the data he received concerning the storm he has made a decision to have a delayed opening at 11:00 a.m. tomorrow and he will re-evaluate the decision tomorrow morning whether to close the building completely. This allows for the employees that travel a distance some time to prepare.

Mayor Bobbitt inquired about the implementation of the new call-in system for employees. Mr. Nerwinski advised the system is working perfectly as it eliminates the Township's responsibility of one source delivering the message to 174 employees. It is now on the employees to call in and get the information. Employees seem to be happy with the new protocol and it addresses the communication void that happened during the first storm.

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#### **Attorney's Report –**

Mr. Roskos stated the comments that the Township received from the Masters on the town's Fair Share Plan were excessive and disappointing; especially, since she was put on notice while they developed the plan. He thinks part of the problem is that she is in every part of the State acting as a Master in every county. She suggested a host of things that could be done and she would approve a conditional final judgement and she would be the arbitrator as to whether she is satisfied; a process neither he nor Phil Caton like. So, they asked for a further extension so that they can go through the Plan with her and they may need to introduce some new ordinances, although she saw the previous ordinances and had no comments. The process may take another (2) two months at this point and out of all the towns that settled only one of them has had their final approval, so Lawrence is not laggard in any way. It is just an ongoing process that is being addressed.

Mr. Nerwinski noted that they all met to discuss the matter and went through what was asked to be produced and everything seemed to be very easily provided so they do not have to search for documents or come up with a new Fair Share Plan. And, he agrees with Mr. Roskos' decision to not seek the conditional judgement because that is just an opportunity to extend the matter further along and the door needs to shut on the good work that has been done.

Mr. Roskos reported that Judge Jacobson issued her decision on the number of affordable housing units Princeton and West Windsor must build. Princeton is required to build over 700 units and West Windsor has to build 1500 new units. And, although the outcome was not that bad, the affordable housing matter is still a detailed, lengthy ongoing matter and he feels Lawrence Township did the right thing by settling.

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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 –**

Mr. Powers advised that the Township Council did interview for the open Historian position and they did talk about honoring the volunteers, and with Dr. Dennis Waters’, former Historian, ten years of service and the hours that he put he was wondering if they can do something as a Council to sort of recognize his service. This could also give them an opportunity to get the Historical Society volunteers and some other folks together for a light breakfast and suggested a Proclamation to honor Dr. Waters’ ten years of service to show their appreciation and volunteered to spearhead an event.

**Appointment of Township Historian**

Resolution No. 131–18

BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey that the following individual be and is hereby appointed to fill an unexpired 4-year term ending 12/31/19 as the Township Historian:

Brooke Hunter  
Rider University

Resolution No. 131-18- (18-H.8) was approved by the following roll call vote:

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

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

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

There was no public participation.

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**Resolutions**

Resolution Nos.118-18 (18-B.1) through 131-18 (18-H.7) were approved by the following roll call vote:

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

Mr. Powers stated that the Human Relations Committee will probably cancel their meeting scheduled for tomorrow night due to the impending storm. (Norcia advised that the meeting was already canceled). Further, there will be a Welcoming Ordinance forthcoming for the Township Council’s consideration.

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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 at 6.54 p.m.

Respectfully submitted by,

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Kathleen S. Norcia, Municipal Clerk

Attest:

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Christopher Bobbitt, Mayor