

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

March 6, 2018

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, March 6, 2018, at 6:30 P.M.

The meeting was then opened with the Inspiration and the Pledge of Allegiance, led by the Girl Scouts Troop 70135. The Girl Scouts also recited the Girl Scouts Low Inspirational Quotes.

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 6, 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, Lewis, Maffei, Powers and Mayor Bobbitt.
Absent: None.

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

Girl Scout Troop 70135 – Pull Together to Help #Keep Families Close
(Pick Up the Tab to Support the Ronald McDonald House of Central and Northern New Jersey)

Prior to the presentation, Girl Scout Troop 70135 welcomed everyone and each member introduced themselves to the Township Council and indicated their goal is to collect 1 Million Aluminum Pop Tabs from cans for the Ronald McDonald House helping to generate thousands of dollars for programs every year and proceeded with a brief history relative to the Girl Scouts in the United States that began in 1912 when Juliette "Daisy" Gordon Low organized the first Girl Guide Troop Meeting of 18 girls in Savannah, Georgia and today they have 2.6 million girl scouts, 1.8 million girl members and 800,000 adult members working primarily as volunteers.

Girl Scout Troop 70135 advised girl scouting helps girls build courage, confidence and character to make the world a better place. Their Troop is now working towards the Bronze Award which is the third highest award in all of the Girl Scouts and the highest award that a Girl Scout Junior, Grades 4 and 5, can receive. The Award is usually done as a troop whereas the Silver and Gold Awards are completed independently. The goal is to make the world a better place. Their Troop decided as a group to support the Ronald McDonald House Pop Tabs Program; a program that allows them to raise money while at the same time recycling. They decided to decorate containers and asked the community to join them. To get more people to participate they decided to create a presentation so they used their school google accounts to work together. They designed parts of the presentation together and some of it individually and asked that any questions be saved until the end of the presentation which they will be happy to answer.

Troop 70135 distributed a handout and proceeded with a PowerPoint presentation relative to the Ronald McDonald House Pop Tab Program ~ Pick Up the Tab as it relates to the following: RMH on-going need to generate funds by recycling through a pop tab collection program and the Girl Scouts goal of collecting 1 Million Tabs to help by assisting in that effort; RMH serving families whose children requires care at area hospital by offering them a homelike atmosphere where they can rest and get renewal regardless of guests ability to pay the \$10.00 per night donation and because of the waiver of fees, increasing occupancy rate per year and some guest inability to pay they seek philanthropic support through donations and programs to help generate additional funds needed to cover the House expenses; RMH overall pop tab goal for the Pick Up the Tab campaign is to collect a billion pop tabs for the Ronald McDonald House of Long Branch and New Brunswick and the Collect-A-Million-Club school program and Troop 70135 setting the goal to collect one million tabs and join the club; a video relative to the removal of tabs, locations for drop-off and the many types of convenient containers, some decorated by the Girl Scouts with the Ronald McDonald House and Troop 70135 logo on the container and the Girl Scouts picking up and delivering the Ronald McDonald House.

Troop 70135 requested that the Council and others consider asking their family and friends as well as businesses and organizations to help them with this project that will help families stay close during their child's treatment. They are also using email and social media with adult supervision to spread the word and ask for help, and they have an email account that can be personalize to get the message to friends and family as well. They can also give the Township a social media post. And, although there is no established deadline for the project they hope to be done by the end of the school year and they will let them know if they decide to extend it...so stay tuned.

After the presentation Troop 70135 thanked the Council for their attention and support in helping them achieve their goal of helping the Ronald McDonald House and if they have any questions they can email contact their Troop Leader and the Municipal Clerk has her contact information. Afterwards, Mayor Bobbitt and members of Council thanked the Troop on the great job they did on the presentation.

Public Participation (5-minute limitation per speaker)

There was no public participation.

Review and Revisions of Agenda

The Municipal Clerk requested that Resolution 117-18 (18-H.8), Authorizing the Appointment of Olga Dember as Alternate #2 on the Zoning Board of Adjustment, be added to agenda.

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

Same was carried on the following roll call vote:

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

Adoption of Minutes

On a motion by Mr. Powers, seconded by Ms. Lewis, the Minutes of Regular Meeting of December 5, 2017 were approved on the following roll call vote:

Same was carried on the following roll call vote:

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

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On a motion by Mr. Powers, seconded by Ms. Lewis, the Minutes of Reorganization Meeting of January 1, 2018 were approved on the following roll call vote:

Same was carried on the following roll call vote:

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

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On a motion by Mr. Powers, seconded by Ms. Lewis, the Minutes of Closed Session Meeting of February 20, 2018 were approved on the following roll call vote:

Same was carried on the following roll call vote:

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

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#### Awarding or Rejecting of Bids

There was no rejection or award of bid.

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#### Introduction 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"

Mr. Nerwinski advised that Lawrence Township currently has a program that limits the amount of garbage containers to two per household and the current Ordinance provided for no discretion or circumstances that would warrant an additional container. So, this amendment will permit households or businesses with exceptional circumstances, to be determined by the Municipal Manager, to exceed the two-hundred gallon limit for an additional annual cost.

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   |     |         |        |         | X    |        |
| Dr. Maffei    | 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"

Mr. Nerwinski advised that the Ordinance amends Ordinance 2134-12 by amending the Fee Chapter of the Administrative Code. The amendment sets the annual fee for an additional trash container, in excess of the two-hundred gallon limits for households and businesses. He also met with Greg Whitehead, Director of Public Works, to determine what would be an appropriate annual fee and based on his calculation for a twelve month period they came up with the following fees: \$250 for a 95 gallon container, \$200 for a 65 gallon and \$150 for a 35 gallon container.

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   |     |         |        |         | X    |        |
| Dr. Maffei    | X   |     |         |        |         |      |        |
| Mr. Powers    | X   |     |         |        |         |      | X      |
| Mayor Bobbitt | X   |     |         |        |         |      |        |

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Adoption of Ordinances

Mayor Bobbitt read by title, an ordinance entitled, "AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LAWRENCE BY ADDING NEW CHAPTER ENTITLED 'TRAFFIC CONTROL STANDARDS: REQUIREMENTS FOR CONSTRUCTION AND MAINTENANCE"

Ordinance No. 2291-18

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LAWRENCE BY ADDING NEW CHAPTER ENTITLED"TRAFFIC CONTROL STANDARDS; REQUIREMENTS FOR CONSTRUCTION AND MAINTENANCE."

WHEREAS, the Township of Lawrence, through the Mayor and Council finds and declares that problems of traffic control occur when traffic must be moved though or around street construction, maintenance operations, and utility work above and below ground, which requires blocking the roadway and obstructing the normal flow of traffic; and

WHEREAS, the Township desires to promote public health, safety and welfare, by establishing guidelines which efficiently and safely manage traffic control problems resulting from such street construction, maintenance operations, utility work and other incidents.

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 27 entitled ‘Traffic Control Standards; Requirements for Construction and Maintenance’ as follows.

## CHAPTER 27

### TRAFFIC CONTROL STANDARDS; REQUIREMENTS FOR CONTRUCTION AND MAINTENANCE

#### Section. 27-1. Purpose and Scope.

The purpose of this Chapter is to establish controls and regulations for the safe and expeditious movement of traffic through the Township of Lawrence, in order to promote public health, safety and welfare, when construction, maintenance, repairs or utility work require blocking the streets and obstructing normal flow of traffic.

#### Section 27-2. Adoption of Standards

The Township of Lawrence hereby adopts the current Manual of Uniform Traffic Control Devices, hereby known as “M.U.T.C.D.” as same may be supplemented and amended. The M.U.T.C.D. controls and regulates traffic whenever construction, maintenance operations or utility work obstructs the normal flow of traffic. Any person, entity, contractor or utility that fails to comply with the provisions of the M.U.T.C.D. while performing such work is in violation of this section.

#### Section 27-3. Pre-Construction Meeting

It shall be the responsibility of the person, contractor or public utility, as required under the public utility agreement, N.J.S.A. 16:25-9.2, wishing to conduct work on, under or above the roadway to contact the Lawrence Township Chief of Police or designee in order to arrange a pre-construction meeting in order to submit plans for the safe movement of traffic during such period of construction or work. The preconstruction meeting shall take place at least one week prior to the start date of the construction or maintenance work. Any person, contractor or utility who fails to submit and secure

approval for its traffic plan prior to the start of work shall be deemed to be in violation of this Chapter. The requirement to obtain approval of the plans shall be in addition to any other permit or other approval required by any other Federal, State or Municipal law, ordinance or regulation, including Lawrence Township Ordinance 21-21 entitled "Street Excavations".

Section 27-4.           Emergency Contact Telephone numbers; Correction of Hazardous Conditions by the Township.

The person, contractor or utility shall provide the Lawrence Township Police Traffic Safety Bureau with at least two (2) emergency-contact phone numbers to be called if emergency problems occur at the construction or maintenance site, or arising from the construction or maintenance being performed, prior to the start of any work. If, for any reason, emergency contacts cannot be reached or if the emergency-contact person does not respond to a call from the Lawrence Township Police Department to correct a hazardous condition, the Township of Lawrence may respond to correct such hazardous condition. The reasonable fees for such emergency services by the Township of Lawrence shall be charged to the person, contractor or utility responsible for such condition. The reasonable fees will include the labor (based on current collective bargaining agreements), material and equipment costs.

Section 27-5.           Roadway Defined.

Roadway shall include any County, Municipal, Private road, or area within the boundaries of the Township of Lawrence, in which the Lawrence Township Police Department has New Jersey Title 39 authority. Any exception from included roadways shall be made by the Chief of Police and shall be binding.

Section 27-6.           Time Limits.

- A. There shall be no construction, maintenance operations or utility work under, on or above any roadway, as defined above, in the Township before the hour of 9:00 a.m. or after 3:00 p.m.
- B. This time limit may be adjusted to permit work prior to 9:00 a.m. or after 3:00 p.m. by the officer in charge of the Traffic Bureau of the Lawrence Township Police Department. If it is determined by the officer in charge of the Lawrence Township Police Traffic Bureau that the construction or maintenance operations prior to 9:00 a.m. or after 3:00 p.m. on any roadway would substantially delay traffic or cause a safety or health hazard or create a noise nuisance, the work shall then be permitted only between 9:00 a.m. to 3:00 p.m.

Section 27-7. Road Closings and Detours.

Road closings and/or traffic detours shall not be permitted unless approved by the Lawrence Township Chief of Police or designee. Advance notice of detours must be given to motorists, except in emergent situations.

Section 27-8 Traffic Directors.

- A. For the purposes of this section, a traffic director is that individual who is responsible for traffic control at a roadway worksite and is either a Sworn Law Enforcement Officer or a civilian flagger who meets the qualifications as set forth in Section 6E of the M.U.T.C.D. and is certified as a flagger by the American Traffic Safety Services Association, Rutgers University or comparable organization, approved by the Chief of Police.
- B. Traffic directors shall be posted at all construction or maintenance sites when deemed necessary and approved by the Lawrence Township Chief of Police or designee to provide for the safety and expeditious movement of traffic.
- C. Civilian flaggers shall not be used as traffic directors in any work zone which contains an intersection with a traffic control device. Or any portion of a roadway which contains a traffic control device. In those situations, only a Sworn Law Enforcement Officer will be used as a traffic director. Traffic control device shall be defined by New Jersey Title 39:1-1 "Official traffic control devices" means all signs, signals, lane markings, and devices not inconsistent with this subtitle placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.
- D. If Civilian flaggers are utilized they shall wear high-visibility safety apparel that meets the Performance Class 2 or 3 requirements of the ANSI/ISEA 107–2004 publication entitled "American National Standard for High-Visibility Apparel and Headwear" and labeled as meeting the ANSI 107-2004 standard performance for Class 2 or 3 risk exposure, and shall be visible at a minimum distance of 1,000 feet. The retroreflective safety apparel shall be designed to clearly identify the wearer as a person.
- E. The STOP/SLOW paddle shall be the primary and preferred hand-signaling device because the STOP/SLOW paddle gives road users more positive guidance than flags. The use of flags is to be limited to emergency situations.
- F. If traffic directors cannot see each other, they must have two way (portable radio) communications between them to allow for the efficient and safe flow of traffic.



- G. If the work requires any road to be closed to traffic 24 hours a day, traffic directors shall only be required when deemed necessary and approved by the Lawrence Township Chief of Police or designee.

Section 27-9. Stop Work.

The Lawrence Township Police Department shall have authority to stop work being performed within the Township, and to require the removal of equipment, vehicles and/or stored material within the right-of-way, or the backfilling of open excavations and/or other related work, in order to abate any nuisance and/or safety hazard, or for any violations of this Chapter.

Section 27-10. Site Preparation and Maintenance.

No materials, vehicles or equipment are to be placed in any roadway or sidewalk areas until all construction signs, lights, devices and pavement markings are installed and approved. All construction signs that will not apply during construction, such as "Flagman Ahead" or "Utility Work Ahead" signs after all work has been completed for the day, must be bagged or removed from the view of motorists.

Section 27-11. Emergency Repair Work.

- A. In the case of emergency repair work where construction maintenance operations or emergency utility work must be performed that will obstruct, interfere or detour traffic on any roadway in the Township, the person, contractor or utility performing such operation shall notify the Lawrence Township Police Department of such emergency operation. The person, contractor or utility shall disclose the nature of the emergency, location and proposed hours of operation.
- B. All emergency construction and maintenance operations shall be performed with full regard to safety and to keep traffic interference to an absolute minimum. During such emergency repair work, the person, contractor or utility shall comply with the provisions of the M.U.T.C.D. while performing such emergency repair work.

Section 27-12. Violations and Penalties.

Unless another penalty is provided by New Jersey Statute, every person, entity, contractor or utility convicted of a violation of a provision of this Chapter shall be subject to a fine of not less than \$250 or more than \$500 for a first offense. Subsequent violations shall be punishable by a fine of not less than \$500 or more than \$1000. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 27-13. Notification of Traffic Delays or Detours.

The Lawrence Township Police Department shall have sole responsibility to notify immediately all affected agencies, including but not limited to police, fire, EMS and the school transportation offices, of any work or construction upon or near a roadway within the Township of Lawrence that would delay or interfere with the provision of service. The Lawrence Township Police Department shall utilize Nixle messaging or other public alerting system in use at the time, to notify citizens of any road closure or traffic delay created by any work or construction. Such notifications shall be made in a manner pursuant to, and in compliance with the Lawrence Township Police Department’s policy and procedures.

Section 2. Severability.

If any section or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. Repealer.

All prior ordinances or parts of same which are inconsistent with any provisions of this article are hereby repealed to the extent of any inconsistency.

Section 4. Effective Date.

This Ordinance shall take effect upon final adoption and publication according to law.

Ordinance No. 2291-18 was introduced and approved on the following roll call vote:

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

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**Manager’s Report –**

Mr. Nerwinski advised due to the weather forecast concerning the impending storm and the feedback he received from Jack Oakley, Emergency Management Coordinator, regarding the storm system he has decided to close municipal offices at 12 Noon tomorrow as the storm is scheduled to pick up towards the afternoon; but the plan might change depending on tomorrow’s weather forecast. All employees have been put

on notice and a new call-in number system has been put place so employees can call and find out the status given there are employees who travel long distance and he wanted to iron out the kinks from the last time.

Mr. Nerwinski reported that Peter Kiriakatis, CFO, is also present this evening and they would like some instruction and feedback from the Council with regard to the proposed budget that he and Mr. Kiriakatis submitted to them and thanked them for their courtesy and patience in hearing from all the Directors and Department Heads they selected to appear before them. And, based on the budget schedule and calendar they need to hear how the Township Council would like for them to proceed.

Mayor Bobbitt stated he would like to review the budget one more time but at this point in time the budget looks pretty good and he is comfortable with them presenting the .03 cent tax increase they are asking for in the 2018 Budget.

Mr. Powers agreed with the Mayor's comments with regards to the proposed tax increase and stated the 2018 Budget, unlike previous budget years, where they had no tax increase, they have to add personnel instead of cutting personnel as they have in the past. And based on the reports from the Department Heads with the growing Township and the number of open space areas that are preserved their resources are really being stretched to the limit and the cost for additional personnel is what they are seeing with the .03 cent tax increase.

Ms. Lewis stated she also agrees with the tax increase given the Department Heads have made a good argument for why it is they need to increase cost; but she hopes as they look forward that they do not have those dips and spikes. But, because they need to have adequate services she feels 3 cents is a more realistic number when it comes to making sure they have those services and staff; but, they should be looking to make sure they are consistent and steady in adding staff with growth so they do not need to see those spikes in the future.

Mr. Nerwinski stated he agrees with Ms. Lewis in maintaining consistency which is something that he and Mr. Kiriakatis have looked at moving forward. He also advised that the 2018 Municipal Budget includes a School Officer for the Lawrence Township public schools an additional service the Administration felt was important and they were able to fit into the .03 cent tax increase.

Mr. Kownacki stated they have a good budget and the .03 cent tax increase is nothing compared to other towns and, yes, they are bringing back personnel from years that were let go due to budget cuts. So, because the additional personnel will improve services, he has no problem with the proposed tax increase.

Dr. Maffei stated he also agrees with the other members of Council as the Township has been operating on bare skins and bones since 2012 and the departments have been under a lot of pressure and he thinks now they can let up a little bit with what they can do.

Mayor Bobbitt stated having sat in with a few School Board members, parents and some members of Council that seems to be topic of discussion and he thinks having the Class III School Officer is going to help that situation. And, to piggyback off of previous comments, the Department Heads have made it very clear that they have been working under very tight constraints and this budget going forward gives them the opportunity to plan for the future.

Mr. Nerwinski stated he would like to recognize Peter Kiriakatis, CFO, who has done a lot of work with regards to this matter and he has been an absolute professional and he really happy to be able to work with him each day.

Mayor Bobbitt further thanked Mr. Kiriakatis for a well-crafted budget and making the intricacies of the budget easy to understand.

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**Attorney's Report –**

Mr. Roskos stated he thinks everyone is ready for a Pay to Play Amendment for the purposes of clarification which he will be bringing forth soon.

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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.108-18 (18-A.1) through 117-18 (18-H.6) were approved by the following roll call vote:

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

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**Council Initiatives/Liaison Reports –**

Councilman Powers advised that the Human Relations Committee met and they reviewed a number of Welcoming Ordinances from Hopewell, Jersey City and another North Jersey town and they will be making a recommendation to the Council at the April 3<sup>rd</sup> Council Meeting.

Councilman Kownacki stated he filled in for Councilwoman Lewis at the Recreation Meeting last week and one big thing that they discussed was about a handicapped child in the Township who wants to play basketball and the only known places for a handicapped person to play ball is in Cherry Hill, New Jersey and Philadelphia, Pennsylvania. So, the child’s parents went over to the Neighborhood Center and spoke with Brian Helmuth, Director, and they were not too happy with the response they received from him. And, since Lawrence Township owns the building and has jurisdiction over the building they want to come before Council to discuss the gym becoming equipped for handicap residents who would like to play baseball and/or basketball at the Center.

Mr. Nerwinski advised that he met with Nancy Bergen, Superintendent of Recreation, today to discuss the issue and she has been in contact with the Miracle Network with the intention of working with that network to get like-situated kids to create a basketball league for kids with disabilities at the Neighborhood Center. So, they are working on issue as they would like to see it happen as well given it is a perfect opportunity to make greater use of the Center.

There were no additional Liaisons reports.

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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  
7.06 p.m.

Respectfully submitted by,

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Kathleen S. Norcia, Municipal Clerk

Attest:

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Christopher Bobbitt, Mayor