

REGULAR MEETING
LAWRENCE TOWNSHIP COUNCIL
LAWRENCE TOWNSHIP MUNICIPAL BUILDING
COUNCIL MEETING BY TELE-CONFERENCE IN ACCORDANCE WITH
N.J.S.A. 10:4-6, ET SEQ. AND EXECUTIVE ORDER 107

April 21, 2020

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, April 21, 2020, at 6.30 p.m.

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

At the commencement of the meeting Mayor Kownacki read the following statement of proper notice:

STATEMENT OF PROPER NOTICE: "Adequate notice of this meeting of the Lawrence Township Council being held on Tuesday, April 21, 2020, 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 19, 2019.

The roll was then called as follows:

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

Also in attendance were Kevin Nerwinski, Esq., Municipal Manager, David Roskos, Esq., and Municipal Attorney, Gregory Whitehead, Director of Public Works by telephone.

Special Proclamations, Recognitions and Presentations

Status Report on the State of Services and Issues of the Public Works Department –
Gregory Whitehead, Director of Public Works

Mr. Nerwinski stated he asked Mr. Whitehead to participate in this meeting to provide the Council with a brief report about Public Works and the services that they have been able to continue to maintain and some issues that are now presenting themselves that the Administration will have make some decisions on.

Mr. Whitehead greeted the Mayor and Council and advised that he will quickly go through a few bullet points pertaining to the Public Works Department and proceeded to review the following:

- Public Works Department being on a full schedule on Mondays and then an A & B schedule the rest of the week.
- Public Works presently doing well with keeping essential services and responding to emergencies.
- Public Works staff sanitizing Township buildings being operated with the Township employees and the department being fully stocked with sanitizing materials and equipment to clean the Police Department, Public Works Department, Senior Center and Town Hall sites.
- ARC Program for Custodial services at Town Hall suspended due to the virus problem they are undergoing at the group homes. Mr. Whitehead noted the suspended services will last until they are sure the workers coming in the building have been tested and are safe to be working on the premises. And, because the Senior Center is closed they were able to move staff to clean the Police and Municipal Building.
- Bulk pick-up suspended until May which seems to be working out well with the garbage company. Mr. Whitehead noted that he is in touch with the garbage company several times a week to ensure they have staffing and they are getting trucks out. And, they do have a Plan B if they do not have staffing and cannot pick up the garbage. They will retro the Brush Truck and pick up the garbage themselves in case an emergency arises and all of their trucks are registered with MCIA to go to landfill.
- The Department staying on top of fuel deliveries in terms of them having workers report to work and proper staffing levels. And vehicle maintenance being priority for police vehicles, EMS and fire trucks and staff being moved around to ensure emergency vehicles are taken care of. Mr. Whitehead reported that the tire company closed down but they were able to acquire 60 or 70 different types of tires to hold the department over before the little wave came.
- Public Works is keeping up with the brush collection. Mr. Whitehead noted it has been a little crazy with everyone home putting out tons of stuff. They have been answering the calls and giving the problem items over to Code Enforcement and making the zone pickups work with two crews.
- Mulch Delivery Program moving in the way it did in 2019 and is something Public Works can safely do with one driver by himself in a truck. Mr. Whitehead advised that they have over 70 residents enrolled in the program and that deliveries started this week (April 20) and will run through mid-May and they continue doing that because the more wood chips they can get out of Ecological Center benefits the town. And, they are trying to dissuade people from coming to Public Works so they are delivering recycling cans on Wednesdays so people do not have to come to the site. As for electronics, people were coming to the facility and

dropping stuff off at the gate which they could not stop so they decided to allow people to leave the electronics in the parking lot on Wednesdays where they meet them. The staff then puts the items in the bins.

- Drainage, Tree and Road work being put on the back burner while major services are continuing to be done in town. Mr. Whitehead stated they are now at the point where it would be helpful in the next several days to decide on some upcoming things in terms of cancellation of any of the sports programs and indicated they started in March lining all the fields, prepping the ball fields, laying everything out including the Armory which was a lot of labor and work and they have been trying to keep up as best they can. But, now they are getting into irrigation and fertilizing season, so they need to start discussions about whether the town is going to have spring sports, issuance of permits or cancel any of the programs due to the limited staffing resources to maintain and allocate other work where needed.
- Community Gardens being a very popular program that requires lots of manpower to maintain which is something he would have already started preparing with regards to composting, seeding, setting up the water buffalo, etc. Mr. Whitehead advised that he is at a crossroads with a few of the things his department could be doing until the items are addressed.

Mr. Nerwinski thanked Mr. Whitehead for his report and stated that the Township should be in a position to make a decision about spring sports by the end of April or the first week of May. And, because he does not see a way they can protect the ability of youth to play sports safely during this public health pandemic with the gathering of people he is leaning more towards the decision to close down the fields for at least the spring sports and shoot more towards summer and fall openings. But, they need to see how it goes in the next couple of weeks. He then asked if anyone had any comments on the issue.

Councilwoman Lewis questioned if there had been any sports teams that they are aware of that have not officially canceled their season yet or are asking about when the Township fields will open. Mr. Nerwinski advised that he has not received any communications from any sports associations during this pandemic. Thereafter, Ms. Lewis stated her inclination is similar to the Municipal Manager as she thinks it would be irresponsible for the Township to issue permits prior to pools opening at least until they get to the end of the school year which is May 15th and is the next time the Governor is going to issue an Order about school openings. And, she also agrees with the Manager's decision to close down the fields because they cannot currently keep everyone safe and follow the social distancing guidelines.

Mr. Nerwinski stated during discussions with the Department Heads Mr. Whitehead brought to his attention the real issue is if they had a sudden reopening and all of those organizations expecting the fields to be miraculously completed and ready for play which is not realistic. So, his and Mr. Whitehead's concerns are allocating the resources with regards to Public Works Groups A and B to ensure the necessary work relative to services gets done which will force the Administration to have to make a decision earlier than what they are comfortable in doing; but, in the end certain choices have to be made sooner rather than later which is why he asked Mr. Whitehead to participate and provide this presentation this evening prior to any decision-making being it is an important issue that affects a lot of people.

Mayor Kownacki stated he agrees with the Municipal Manager's and Mr. Whitehead's decision to not open the fields. As for the Little League, he did hear some unofficial information regarding possible cancellation of their season, and the soccer and football fields over at the 112th Field Artillery will not be available for usage being they are down and nobody is allowed on the property.

Councilman Powers stated he knows they are talking about active recreation but in terms of passive recreation the Municipal Manager has kept the parks opened while the State parks are closed and he knows Mr. Whitehead and his staff are involved with the fields at the parks which is a heavy labor lift. In terms of the Community Gardens he knows they have always been a sustainable community; but, now more than ever with people are growing their own food, including him, it is important to keep that option open. Thereafter, Mr. Powers stated kudos to Mr. Whitehead and his department for the great job they have been doing with regards to the brush pick and the cleaning of storm drains in the Pine Knoll area. Mr. Whitehead advised that everyone has been cooperative throughout this emergency situation and thanked Mr. Powers for the compliment.

Mr. Nerwinski advised that they are trying to problem solve the matter of keeping the Community Gardens open along with Nancy Bergen, Superintendent of Recreation, whose department oversees the gardens as to how to solve the scheduling aspects of people being able to work their particular plot at a particular time, and having different zones so distancing can be maintained, and gardening can be done safely with a mask, gloves, etc. And, he agrees that the Garden is something they should really work to try and keep open and it is important enough for the Public Works to put some of their efforts towards so he will meet with Ms. Bergen and Mr. Whitehead for further discussion.

Councilman Bobbitt stated for the record he agrees with some of the comments made by his colleagues with regards to the sports fields being the lowest priority, maintaining the parks for passive recreation and the issues with keeping the Municipal Building clean far outweighs keeping up those fields.

Councilwoman Lewis stated she echoed all of those other pieces discussed and indicated that the Township has not done any of the striping or other things to the sports fields which she feels is helpful in discouraging kids from gathering to decide to play on their own and also in discouraging pickup games moving forward.

Mr. Whitehead thanked the Mayor and Council for their time. Afterwards, Mr. Nerwinski publicly thanked Mr. Whitehead over the amazing job he and his staff have done and indicated he is completely prepared all the times to address all those issues and they are very fortunate to have him in the community. And, he thinks that the alternating grouping that they are doing is keeping the employees healthy and able to sustain operations of the Township and keep the services being provided uninterrupted. He thanked Mr. Whitehead again for all of this hard work and for the work of his staff.

Public Participation

There was no public participation.

Review and Revisions of Agenda

There was no revision to the agenda.

Adoption of Minutes

On a motion by Ms. Lewis, seconded by Mr. Powers, the Minutes of Regular Meeting of January 1, 2020 were approved without corrections on the following roll call vote:

Same was carried on the following roll call vote:

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

Awarding or Rejecting of Bids

On a motion by Ms. Lewis, seconded by Mr. Powers, Resolution (9-A), Authorizing Awarding of Contract for Rehabilitation of 257 Fountayne Lane, was presented for adoption.

Resolution No. 135-20

WHEREAS, on March 25, 2020, bids were received and publically opened for the rehabilitation of 257 Fountayne Lane; and

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

WHEREAS, the lowest responsible bidder was Unlimited Builders Construction, LLC submitted a bid in the amount of \$16,750.00 to perform the tasks required in the rehabilitation; 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 0-19-56-853-299 (Lawrence Township Unit Rehabilitation); and

WHEREAS, Unlimited Builders Construction, LLC has performed satisfactorily;

WHEREAS, the owner of 257 Fountayne Lane, Sharon Flynn has been deemed eligible to participate in the rehabilitation program;

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 Manager, the Mayor and the Municipal Clerk hereby authorize the acceptance of the bid and the execution of a contract with Unlimited builders Construction, LLC, P. O. Box 9029, Hamilton NJ 08650 for the purposes of rehabilitating 257 Fountayne Lane;

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 Bobbitt, Lewis, Powers, Ryan and Mayor Kownacki.
Absent: None.

ADOPTION OF THE 2020 MUNICIPAL BUDGET

Mr. Nerwinski advised the Council that he is presenting the Lawrence Township 2020 Municipal Budget for adoption this evening as discussed when it was presented to them at the March 17th meeting and that the budget has been modified to provide for additional expenses directly related to the Coronavirus pandemic; specifically, an increase in salary and wages of \$30,000 and also a \$105,000 increase in other

expenses under the Municipal Manager’s Appropriations for a total increase of \$135,000 from the original budget pre-COVID-19. The Budget offered to the Council for adoption also provides for a .02 cent increase (1-cent equals \$463,052 therefore the .02 cent increase is \$926,104.66 tax levy increase.) The amount to be raised by taxes is \$27,644,378 and the total budget is for \$50,521,239.02 which is a balanced budget and conforms to all applicable state budget statutes.

Mr. Nerwinski noted that the increased in budget appropriates exceeds the 2.5 percent appropriations cap; however, the Township has a sufficient appropriation cap bank for use. The increase in tax levy is still under the levy cap and in fact will add to the Levy Cap Bank. The full impact of the pandemic upon municipal finances cannot be accurately known at this time. They will have a better sense of it after the third quarter taxes are collected. State aid for 2020 has been certified to be \$3,982,565. They do not foresee that amount being withdrawn since it has already been certified; however, they have no idea what 2021 will bring them in terms of state support towards the town’s budget; but, he asked that the Township Council approve the budget at this time. The 2020 budget was then presented as follows:

Authorizing that the 2020 Budget to be Read by Title Only

Resolution No. 133-20

WHEREAS, N.J.S.A. 40A:4-8 provides that the budget be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been posted in the Municipal Building and copies have been made available by the Clerk to persons requiring them; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that the budget shall be read by title only.

Resolution No. 133-20 approved on the following roll call vote:

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

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Authorizing Adoption of the 2020 Municipal Budget

Prior to the adoption, Councilwoman Lewis stated she hopes the State continues to come through with their local aid although she is aware they will not know until September when their budget is certified as they plan to continue on their June 30th deadline.

Resolution No. 134-20

BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that the attached document be and hereby is the Adoption of the 2020 Municipal Budget.

Resolution No. 134-20 approved on the following roll call vote:

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

Introduction of Ordinances

Mayor Kownacki read by title, an ordinance entitled, "BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS IN AND BY THE TOWNSHIP OF LAWRENCE IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$2,535,000, INCLUDING ANY TRANSPORTATION TRUST GRANT FUNDING TO BE USED TO OFFSET BONDS OR NOTES, AND AUTHORIZING THE ISSUANCE OF \$2,375,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

Mr. Nerwinski advised that the Ordinance is part of their various road improvement projects that they do annually with appropriation being \$2,535,000.

The Ordinance No. 2360-20 was introduced and approved on the following roll call vote:

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

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Mayor Kownacki read by title, an ordinance entitled, "ORDINANCE APPROPRIATING \$1,625,000 FROM THE CAPITAL IMPROVEMENT FUND FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY"

Mr. Nerwinski advised that the Ordinance is for various planned capital improvements throughout the Township and the projects are identified within the ordinance itself and the total amount is \$1,625,000.

The Ordinance No. 2361-20 was introduced and approved on the following roll call vote:

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

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Adoption of Ordinances

There was no adoption of ordinances.

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**Manager’s Report –**

Mr. Nerwinski reported that he would like to have Carol Chamberlain, Health Officer, make a similar presentation to the Council at the next meeting just to keep them informed, directly engaged and to answer any questions they might have and asked if they are all inclined to have that happen. There was no objection from members of Council.

Mr. Nerwinski advised that through the month of April the Township will continue with Group A and B scheduling of employees coming into work as he thinks the separation has been really important to protect the employees during this time and they have been able to maintain operations to the extent that they cannot see a falloff at this point in time. So, he will continue that schedule as-is for now with a plan to have everybody come back at a full operational level in May; but, will maintain the building being closed to the public for the month of May given they have been able to provide services to the residents and other various users of the Township in a very effective way and with the weather getting better he thinks it can be done through May and they can make a decision after that. In addition, the closure to the public provides a comfort level to the employees upon their return and they will promote employees to wear masks due to more people being in the building and with Public Works cleaning the building daily, is proving to be reassuring to the employees and that is plan for the next 45 days or so.

Mr. Nerwinski reported that the Tax Collector will continue to accept cash because the guidance they received from the Department of Community Affairs stated the town really needs to continue to accept cash from residents because not everyone has a checking account or a credit card and some people must pay by cash. So, they have set up a procedure for residents to come to the north entrance door with their cash and tax bill and somebody will take it from them and have the payment processed at the Tax Collector's Office. The bill will be stamped paid and the person will be sent on their way within five minutes or so and they will be rolling out a new schedule for when cash payments can be made and they hope people will follow that guideline.

Mr. Nerwinski further reported that the Administration is in the mist of purchasing a UV Light Wand that will soon be coming in that will enable them to clean the cash from any germs and add another level of protection for the workers handling cash from the outside which he thinks they will appreciate. And, advised this quarter taxes they will not get a full sense of the impact of the COVID-19 pandemic they are experiencing as the real impact will not be seen until the Third Quarter tax period. However, for 2020 he thinks they will continue uninterrupted and he will keep the Council apprised of the situation along the way.

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**Attorney's Report –**

Mr. Roskos reported that they are proceeding with their revised Settlement with regards to the town's Affordable Housing obligation and other procedures relative to the matter which he keeps the Township Manager updated on. In terms of the Sheft matter, the Closing date is set June 3<sup>rd</sup> and he asked Jim Parvesse, Municipal Engineer, to request the funding from the County and the State and he believes their NJDOT approval is being issued although he still has not seen it; but, what he is really looking for is confirmation from the sellers that the SBA (sellers have two mortgages on their property) has finally agreed to a Release and Subordination to the easement area as the Sellers attorney is anxious to have a closing but this issue remains open so he communicated with him today and explained that it takes them about 30 days to get the other agencies' funding and he has spoken with Mr. Parvesse about the closing date which they both feel is a reasonable date.

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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**

Mr. Nerwinski asked Ms. Lewis to revise her Motion to exclude Resolution No. 137-20 (18-H.2) for further discussion which he will explain at that point.

Resolution Nos. 136-20 (18-D.1) through 145-20 (18-H.1) with the exception of Resolutions 137-20 and 138-20 were approved by the following roll call vote:

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

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

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Prior to the adoption of Resolution 18-H.2, Mr. Nerwinski explained that the following Resolution involves the Third Quarter Estimated Tax Bills which is a situation that has arisen because they have not received the necessary certification from the State which he thinks is directly related to the pandemic they are experiencing. So, at this point and time they need to do an estimated Third Quarter tax billing and one of the requirements is for them to set an estimated tax levy percentage and through the advice of the Peter Kiriakatis, CFO, the percentage is set a 103 %. He then turned the meeting over to Mr. Kiriakatis who further explained the reasoning and how the percentage was acquired.

Mr. Kiriakatis explained by State guidelines they take the last year’s assessed full valuation of the Township. They are allowed a range between 95% to 105% of the previous year’s levy; and, the Governing Body has to pick a percent in-between that it best feels accurately portrays the town’s certified rate when the State certifies the tax rate. From his discussions with Tom Eldridge, Administrator for the Board of Education, and Dave Miller, Deputy Administrator for the County, and after his calculations, it appears that 103% will closely match what the tax rate would be once it is certified and advised that it could be a little bit higher or a little bit lower after certification and the Fourth Quarter bills will make up adjustments to the estimates.

Mr. Nerwinski advised that the Resolution has to be passed with the vote including 103% being identified as the percentage. The Mayor then opened the floor for questions.

Councilman Bobbitt asked for clarification for how the adjustment would be applied to the Fourth Quarter taxes. Mr. Kiriakatis explained after the certified rate comes out the Fourth Quarter will be “trued up” to the actual rate which they will drop down a little bit if they are too high or increase it a little bit if they were too low.

Councilman Powers stated he thought it is usually done in the Third Quarter and not the Fourth Quarter and asked for clarification. Mr. Kiriakatis explained that usually in the Third Quarter there is a delay in the printing of the tax bills because they are waiting for the certified tax rate that usually comes out in August with a payment date of September that usually has an extended grace period. However, the real taxes are due August 1st but because they wait to get the certified rate (sometime in late August) they extend the due date to September. But, this year it is different because the State has delayed their fiscal year and they strongly suggested that the towns do an estimated tax rate in lieu of the certified tax rate in the Third Quarter and reconcile the taxes in the Fourth Quarter.

Resolution No. 137-20 (18-H.2 - Authorizing Third Quarter Estimated Tax Bills with a 103 %) was approved by the following roll call vote:

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

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

Resolution No. 138-20 (18-E.18 – Authorizing a Special Item of Revenue for Clean Fleet Electric Vehicle Incentive Program) was approved by the following roll call vote:

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

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

Council Initiatives/Liaison Reports –

There were no liaison reports.

Written Communications –

There was no written communications.

Adjourned: 7:10 p.m.

Respectfully submitted by,

Kathleen S. Norcia, Municipal Clerk

Attest:

James S. Kownacki, Mayor