

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

July 23, 2020

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Thursday, July 23, 2020, at 6:00 p.m.

Mayor Kownacki asked for a moment of silence on the passing of Councilman Bobbitt's mother.

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 Thursday, July 23, 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 Lewis, Powers and Mayor Kownacki.

Absent: Councilman Bobbitt and Councilman Ryan (The Municipal Clerk stated that Mr. Ryan advised that he would be a few minutes late this evening

Also in attendance were Kevin Nerwinski, Esq., Municipal Manager and David Roskos, Esq., Municipal Attorney.

Special Proclamations, Recognitions and Presentations

There were no proclamations or presentations.

Public Participation

Mr. William Hart, 5 Roseberry Court, greeted everyone and proceeded to discuss the Petition submitted on March 16th by Lawrence Township residents regarding the construction of approximately 1450 feet to connect the lower Cold Soil Road neighborhoods to Main Street (Route 206). He further discussed the 416 signers and their many comments of support and the key benefits of the sidewalks as it relates to the pedestrian safety for those who walk and run along Cold Soil Road, connection to the NJT Bus Stop at Cold Soil Road and Route 206, increased patronage of local businesses on Lawrenceville Main Street, improved walkability of Cold Soil neighborhoods and increased property values as it relates to approval. In closing, Mr. Hart thanked the Council for their time and stated if anybody has any questions he would be happy to answer.

Mayor Kownacki thanked Mr. Hart for his comments and stated going forward as things progress he is sure the Municipal Manager will keep everyone informed as to the progress of the project.

Mr. Nerwinski echoed the sentiments of Mayor Kownacki with regards to keeping everyone informed of the progress and advised that they did include this particular project in the Cold Soil State aid Application. And, they expect a decision to be made sometime in November if things are normal. But, because they are dealing with unusual times, they will have wait to see if NJDOT is delayed with making decisions concerning state aid and proceeded to discuss the Municipal Engineer's study of that area and him and Township Engineer both being in agreement that it is an appropriate project which is why they included it in their state aid. He thanked Mr. Hart for preparing the documents in a positive way and advised that he will keep him informed as they move along.

Councilwoman Lewis stated she agrees that it is a great project and although it is not a good time to add on a project this is a good example as previously discussed of things they could find from a sidewalk audit if they are able to do so at some point.

Councilman Powers asked if they would need all of the property owners consent to put the sidewalks in on the residential side of Cold Soil Road. Mr. Nerwinski advised that it is the opinion of Township Engineer that the construction of the sidewalk would have to occur on the side of the residents and if that is the case and there is a demonstration for a public need for it then there are means the Township can take to get the sidewalks installed; but, they are not at that point yet.

Review and Revisions of Agenda

The Municipal Clerk requested that Resolution No. 202-20 (18-H.1) - Authorizing the Person-to Person Transfer of ABC License, be removed from the Agenda due to the State partial closure and the Licensee's inability to get their Tax Sale Certificate in time for the transfer.

Adoption of Minutes

On a motion by Ms. Lewis, seconded by Mr. Powers, the Minutes of Regular Meeting of April 21, 2020, May 5, 2020 and June 16, 2020 were approved without corrections on the following roll call vote:

Same was carried on the following roll call vote:

Ayes: Councilmembers Lewis, Powers and Mayor Kownacki.
Absent: Councilmember Bobbitt and Councilman Ryan.

~~~

On a motion by Ms. Lewis, seconded by Mr. Powers, the Minutes of Closed Session Meeting of June 16, 2020 were approved without corrections on the following roll call vote:

Same was carried on the following roll call vote:

Ayes: Councilmembers Lewis, Powers and Mayor Kownacki.  
Absent: Councilmember Bobbitt and Councilman Ryan.

---

Awarding or Rejecting of Bids

On a motion by Ms. Lewis, seconded by Mr. Powers, Resolution (9-A), Authorizing Awarding a Contract for 2020 Concrete Program, was presented for adoption.

Resolution No. 213-20

WHEREAS, on Thursday, July 9, 2020 bids were received and publicly opened for the project known as **2020 Concrete Program**; and

WHEREAS, thirteen (13) bids were received and reviewed by the appropriate Township Officials; and

WHEREAS, the lowest responsible bidder was Discover Construction, LLC who submitted a bid in the amount of \$56,150.00; and

WHEREAS, in accordance with N.J.A.C. 5:50-14, a Certificate of Availability of Funds has been provided and the account to be charged is C-04-55-468-242 (Ordinance 2360-20 – Concrete Program); and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that pursuant to the recommendations of the Municipal Engineer, the Mayor and Municipal Clerk are hereby authorized to execute a contract with Discover Construction, LLC, 2207 U.S. Highway 130, Dayton NJ 08810 in the amount of \$56,150.00; and

BE IT FURTHER RESOLVED that the Municipal Manager is hereby authorized to draft the necessary agreement, subject to the approval of the Municipal Attorney as to form and content thereof.

Same was carried on the following roll call vote:

Ayes: Councilmembers Lewis, Powers and Mayor Kownacki.  
Absent: Councilmember Bobbitt and Councilman Ryan.

---

On a motion by Ms. Lewis, seconded by Mr. Powers, Resolution (9-B), Authorizing Awarding a Contract for the 2020 Drainage, Inlet and Pipe Repairs, was presented for adoption.

(Councilman Ryan joined the meeting at 6:15 p.m.)

Resolution No. 214–20

WHEREAS, on Thursday, July 9, 2020 bids were received and publicly opened for the project known as **2020 Drainage, Inlet and Pipe Repairs**; and

WHEREAS, seven (7) bids were received and reviewed by the appropriate Township Officials; and

WHEREAS, the lowest responsible bidder was Discover Construction, LLC who submitted a bid in the amount of \$99,900.00; and

WHEREAS, in accordance with N.J.A.C. 5:50-14, a Certificate of Availability of Funds has been provided and the account to be charged is C-04-55-466-246 (Ordinance 2360-20 – Road and Drainage Repairs); and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that pursuant to the recommendations of the Municipal Engineer, the Mayor and Municipal Clerk are hereby authorized to execute a contract with Discover Construction, LLC, 2207 U.S. Highway 130, Dayton NJ 08810 in the amount of \$99,900.00; and

BE IT FURTHER RESOLVED that the Municipal Manager is hereby authorized to draft the necessary agreement, subject to the approval of the Municipal Attorney as to form and content thereof.

Same was carried on the following roll call vote:

Ayes: Councilmembers Lewis, Powers, Ryan and Mayor Kownacki.  
Absent: Councilmember Bobbitt.

~~~

On a motion by Ms. Lewis, seconded by Mr. Powers, Resolution (9-C), Authorizing Awarding a Contract for Remodeling the Senior Center Reception Area, was presented for adoption.

Resolution No. 221-20

WHEREAS, it is necessary for Lawrence Township to design and remodel the Senior Center reception area; and

WHEREAS, two quotes were received for this project and the lower quote was received from Bert Nini, BNC General Contractor, Inc.; and

WHEREAS, in accordance with N.J.A.C. 5:30-14, a Certificate of Availability of Funds has been provided and the accounts to be charged are C-04-55-471-235 (Senior Center Improvements) for \$11,500.00 and 0-01-28-371-293 (Senior Citizen Programs OE) for \$1,500.00;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that the Township is hereby awarding Bert Nini, BNC General Contractors, Inc., 203 Pennington-Rocky Hill Road, Pennington, NJ 08534 the contract in the amount of \$13,000.00 for the design and remodeling the Lawrence Township Senior Center reception area.

Same was carried on the following roll call vote:

Ayes: Councilmembers Lewis, Powers, Ryan and Mayor Kownacki.
Absent: Councilmember Bobbitt.

Introduction of Ordinances

Mayor Kownacki read by title, an ordinance entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 2341-19 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 increases the Municipal Manager/QPA salary to (Grade 6, Step11) \$206,582 per new contractual agreement.

The Ordinance No. 2364-20 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						

Adoption of Ordinances

Mayor Kownacki read by title, an ordinance entitled, "AN ORDINANCE OF THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY, AMENDING ORDINANCE NO. 2343-19, ADOPTED OCTOBER 1, 2019, ENTITLED "AN ORDINANCE OF THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY, PROVIDING FOR THE SPECIAL ASSESSMENT OF A PORTION OF THE COST RELATING TO LEAD SERVICE LINE REPLACEMENTS AND APPROVING THE EXECUTION OF A SHARED SERVICES AGREEMENT IN CONNECTION THEREWITH"

Ordinance No. 2363-20

AN ORDINANCE OF THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY, AMENDING ORDINANCE NO. 2343-19, ADOPTED OCTOBER 1, 2019, ENTITLED "AN ORDINANCE OF THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY, PROVIDING FOR THE SPECIAL ASSESSMENT OF A PORTION OF THE COST RELATING TO LEAD SERVICE LINE REPLACEMENTS AND APPROVING THE EXECUTION OF A SHARED SERVICES AGREEMENT IN CONNECTION THEREWITH"

WHEREAS, the City of Trenton (the “**City**”) and the New Jersey Department of Environmental Protection (the “**DEP**”) entered into that certain Administrative Consent Order, dated July 26, 2018 (the “**ACO**”); and

WHEREAS, among other things, the ACO requires the City’s water utility, Trenton Water Works (“**TWW**”), to replace lead-lined service lines connecting the TWW main water distribution system lines to meters on privately-owned properties (“**LSLs**”), including properties in the Township of Lawrence (the “**Township**”), with copper lines (the “**LSL Replacement Project**”); and

WHEREAS, the City is undertaking the LSL Replacement Project in a series of phases, including the first phase, which consists of up to 2,600 LSLs (the “**LSL Replacement Project – Phase 1**”) and will finance the costs of the LSL Replacement Project through loans and/or grants (the “**NJIB Loan**”) from the New Jersey Infrastructure Bank (the “**NJIB**”); and

WHEREAS, on October 1, 2019, the Township Council of the Township adopted an ordinance entitled “An Ordinance of the Township of Lawrence, in the County of Mercer, New Jersey, Providing for the Special Assessment of a Portion of the Cost Relating to Lead Service Line Replacements and Approving the Execution of a Shared Services Agreement in Connection Therewith” (the “**2019 Township Special Assessment Ordinance**”); and

WHEREAS, the 2019 Township Special Assessment Ordinance provides for the special assessment (the “**Special Assessment**”), against the properties identified in **Exhibit A** attached thereto (the “**Township Benefitted Properties**”), of a portion of the costs of the LSL Replacement Project on properties in the Township specially benefitted by the LSL Replacement Project; and

WHEREAS, the 2019 Township Special Assessment Ordinance further provides that the Special Assessment relates to the LSL Replacement Project – Phase 1, although notice of the Special Assessment was provided to all TWW customers in the Township that might be eligible for the LSL Replacement Project, including all properties identified in **Exhibit A** thereto; and

WHEREAS, the City and the Township also conducted a collaborative, public outreach effort, including circulating notices and hosting public meetings, to notify system users about the LSL Replacement Project and invite property owners to voluntarily participate in the program; and

WHEREAS, on November 14, 2019, under the Uniform Shared Services and Consolidation Act, *N.J.S.A. 40A:65-1, et seq.*, the City and the Township entered into a Shared Services Agreement (the “**2019 Shared Services Agreement**”), pursuant to which the City will be responsible for assessing, collecting and enforcing the payment, by owners of the Township Benefitted Properties, of Special Assessment payments; and

WHEREAS, the Township desires to amend the 2019 Township Special Assessment Ordinance to provide that the Special Assessment applies to all Township Benefitted Properties that participate in the LSL Replacement Project, including those in phases after Phase 1; and

WHEREAS, the Township also desires to enter into an amendment to the 2019 Shared Services Agreement (the “**Amendment**”) to provide that it applies to all Township Benefitted Properties that participate in the LSL Replacement Project, including those in phases after Phase 1.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWNSHIP COUNCIL OF THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY, AS FOLLOWS:

Section 1. The recitals hereof are incorporated by reference as it is set forth at length herein.

Section 2. All references to “the LSL Replacement Project – Phase 1” in Sections 2 and 3 of the 2019 Township Special Assessment Ordinance are hereby deleted and replaced with “LSL Replacement Project”.

Section 3. The Mayor is authorized to execute any and all documents necessary to effectuate the purpose of this ordinance including, but not limited to, the Amendment, in substantially the same form as that on file with the Township Clerk, together with such additions, deletions or modifications as the Mayor deems reasonable and necessary.

Section 4. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

Section 5. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption.

The Ordinance was adopted after the public hearing thereon, 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						

Manager's Report –

Mr. Nerwinski submitted invoice listings for the month of July 2020 in the amount of \$1,807,839.49.

Mr. Nerwinski reported that the Township received a check for the Pit Stop site which will allow them to continue in the process to study the site for contamination and have the environmental consultants make a determination as how much it would cost to remediate the contamination and the process will now include the razing of the building so they can study the soil under the footprint; something that was not done years ago when the property was originally cleaned. And, once they get through that process and understand what it takes to remediate, then they will be going through another round of grants applications for funding. He further advised that the Pit Stop is not a Township-owned site so what they doing are a little unusual and is taking some time; but, they are making progress.

Mr. Nerwinski advised that Mr. Roskos will be reporting on the Sheft's Closing as well as provide an update as to where Lawrence Township stands with regards to the sale of 23 Lawrence Square Boulevard; a piece of property owned but not used by the Township and they felt was a good opportunity to put up for sale to bring in some revenue and also provide a ratable. They had a little bit of a bidding war towards the end with the original bid amount of \$200,000, and due to the interest of the property, they ended up receiving a bid of \$231,000 right before the deadline and they now have a contract with the bidder in the Attorney Review phase.

Councilman Powers inquired about the acquisition of the Sheft property in terms of the usage of the Open Space Fund. Mr. Nerwinski advised once they complete the transaction with all the costs that are associated with acquiring the property they will be at approximately \$1,370,000; but, they hope to apply for grants in 2021 and 2022 and if they are able to get some money that will help reduce the town's \$500,000 payments for those years and they will not have to use the Open Space fund which is the worst case scenario. So, there is some potential for an offset.

Mr. Nerwinski reported the Township website is close to completion as they were sidetracked with the COVID-19 virus. To speed up the process they have retained an in-house consultant to bring this to the end line and he will continue to stay a couple more months to make sure it is running smoothly...but the website looks really good.

Attorney's Report –

Mr. Roskos reported that the Township finally closed on the Sheft's property as indicated by the Municipal Manager and he does not know how long they have been in contract with the Sheft's as they both wanted to close; but, for a number of reasons, including their lenders and Green Acres, they had several hurdles to jump before they

got there. However, it will be some time before they are able to develop (improve) the property; but, the good news is that the property is Township-owned and there will be no mass development at that site; only a parking lot for passive recreation so that people can come and enjoy the site.

Mr. Roskos stated with regards to the contracts for the sale of the 23 Lawrence Square Boulevard site they are dealing with the Attorney for the buyer and he has explained to him that the Township has to follow certain statutory requirements which, hopefully, he will understand and they can get that sale done. And, he does have a few items to discuss in closed session so he will save the rest of comments for then.

Clerk’s Report –

There was no Clerk report.

Unfinished Business –

There was no unfinished business.

New Business –

There was no new business.

Public Participation (3-minute limitation per speaker) –

There was no public participation.

Resolutions

Resolution Nos. 203-20 (18-A.1) through 200-20 (18-H.14) with the exception of Resolutions 18-D.1 (Refund Vivint Solar, Inc.), Resolution No. 211-20 (Refund Tesla Energy Operations, Inc.), Resolution No. 213-20 (Bid Award), 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 Resolutions are spread in their entirety in the Resolution Books of the Township of Lawrence.

Resolution No. 207-11 (18-D.1 - Refund Vivint Solar, Inc.) and Resolution No. 211-20 (18-D.2 - Refund Tesla Energy Operations, Inc.) 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 Resolutions are spread in their entirety in the Resolution Books of the Township of Lawrence.

Council Initiatives/Liaison Reports –

Councilman Powers stated on behalf of Main Street he would like to thank Mr. Nerwinski and the Health Department for the clean-up in the Main Street area which they were very appreciative of.

Councilwoman Lewis thanked the Municipal Manager, Lawrence Police Department and the Recreation Committee for working with Main Street on the Drive-In Movie event that happened which was a great way to have a socially-distanced community event for folks to enjoy and the weather was great.

Written Communications –

There was no written communications.

There being no further business to come before this Council, the meeting adjourned at Council went into Closed Session.

6:24 p.m.

Respectfully submitted by,

Kathleen S. Norcia, Municipal Clerk

Attest:

James S. Kownacki, Mayor

Re-opening of the Regular Meeting of Council:

6:25 p.m.

On a motion by Ms. Lewis, seconded by Mr. Powers, the Meeting was re-opened for public participation.

Ms. Martha Friend inquired as to the best way to communicate with the Township Council and indicated she sent out an email out to the Township Council on the July 5th and did not get a response so she just needs some clarity on the best way to communicate with the Council.

Mayor Kownacki stated he did not see the email and inquired as to the purpose of the email. Councilwoman Lewis stated she has not seen the email; but, that does not mean other members of Council have not. Councilman Powers stated he just saw the email regarding a Public Statement of Support. Councilwoman Lewis asked Ms. Friend to read the Statement into record so that all can hear it since some members of Council have not seen the email until it was pointed out. Ms. Friend stated she would be happy to and proceeded to the following into record:

From: Stephanie

Date: July 5, 2020

Subject: Public Statement of Support

Good Afternoon:

I feel like not all of you might know about the awful events over the past four days during mourning. Two Black Lives Matter yard signs have been stolen and one vandalized with white spray paint sprayed on both sides and then there have been more since this was written. These events are horrendous to me as a white woman to experience. I cannot begin to imagine how offensive it might be; possibly, though not surprising, to my black Lawrence neighbors. This town has some folks, hard to imagine it is that one state interloper, who cannot seem to bare this Statement of Love for our black residents. It's appalling and very telling and it seems to me that an immediate public showing of support for our black residents needs to happen. Will you allow me to place a Black Lives Matter yard sign on municipal offices grass? This is not a political statement. It is a Statement of Love for those you govern. It is important. I was so disheartened a few years back that the Council could not even easily pass a statement saying that Lawrence is a "welcoming town" to those living here from other countries. Can we not at least say to our black residents who are dealing with this directed violence that you as their elected officials will show up for them? Please reach out and let me know if I can place the yard sign.

Ms. Friend stated she has no indication that the Council will provide her with an answer now; but, it is such a great idea that she wanted to have it on record and she hopes they will reach out to her once they have discussed and made a decision regarding her request.

Mayor Kownacki advised that a few years back Lawrence Township did a Welcoming Resolution and most recently the Township Council along with the Chief of Police gathered in front of the police building where they lit candles and kneeled for the officers and also the gentleman who died so they are doing what they should be doing in Lawrence Township. A general exchange of dialogue took place relative to Mayor's comments being a suggestive opinion, marches and various events some members of Council attended to share in and better understand the black lives matter movement and the remote Council Meeting not being the best forum to discuss the matter.

After the discussion, Mayor Kownacki suggested Ms. Friend check out the Township's website to see letters and ongoing correspondence from the Chief of Police and the Municipal Manager in response to the Black Lives Matter movement until they can get back to normal. Additional dialogue took place relative to Ms. Friend's asking for clarification as to whether she can post yard signs of black lives matter on the lawn at Town Hall.

Mr. John Waaben stated he is with the Black Solidarity Protest of Lawrence and they helped organize the protest in June outside of the Lawrence High School and he is here listening in on the meeting to see what is going on in the Township as it relates to crimes and defacing of the Black Lives Matter signs and he thinks it is about a gesture to show support which would be pretty easy and the smart thing to do on behalf of the Township. And, he supports the comments made by Ms. Friend.

There being no further business to come before this Council, the meeting adjourned at 6:40 p.m.

Respectfully submitted by,

Kathleen S. Norcia, Municipal Clerk

Attest:

James S. Kownacki, Mayor