

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

March 2, 2021

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, March 2, 2021, 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, March 2, 2021, 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 18, 2020.

The roll was then called as follows:

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

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

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Special Proclamations, Recognitions and Presentations

Prior to the presentations, Mayor Kownacki advised that a student (Kelsey) of Lawrence Township would be speaking about the Tennis Courts at Veterans Park and invited her up the podium. The student greeted the Council and stated that there are no tennis backboards put up at the Tennis Courts in Veterans Park or in any of the parks in Lawrence Township and that during COVID-19 playing tennis is what she does for exercise and she really enjoys playing against the tennis backboard. In addition, there are many health benefits to playing tennis to include weight loss, improved balance and outside activity that provides people with Vitamin D and fresh air. And indicated since they have not been allowed to play many sports during Covid 19, playing tennis with the backboard adheres to social-distancing guidelines, people can play tennis against the

backboard without having a partner, the high school seniors can use it to practice on instead of the public courts and people of all ages can play tennis against the backboard. In closing, she asked if the Council would consider her proposal which would be greatly appreciated and she would be happy to fund raise money to help pay for it. She then thanked the Council for their time and consideration.

Mr. Nerwinski thanked the Student for the awesome presentation and indicated if the Council instructs him he will work towards getting some information concerning the cost and he will also reach out to the Lawrence Township Public School System to see if they would like to partner with Township. He then requested that the student leave her contact information or contact him tomorrow so they can work together to get the project done.

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Mayor Kownacki stated that Nancy Bergen, Superintendent of Recreation and Gregory Whitehead, Director of Public Works, would be presenting their 2021 Budget presentations this evening. He then turned the floor over to Ms. Bergen.

**2021 Municipal Budget Presentation**  
**Nancy Bergen – Superintendent of Recreation**

Ms. Bergen greeted the Council and distributed handouts to everyone regarding her 2020/2021 budget presentation for the Lawrence Recreation Department that is comprised of the Office on Aging/Senior Center and the Special Events Divisions which fall under the Superintendent of Recreation. She imparted that the goal of the Recreation Department is to provide recreational programs that enrich the quality of life for Lawrence residents by promoting an active lifestyle and encouraging social interaction.

Ms. Bergen proceeded to highlight the following items relative to the Recreation Department:

- **Recreation Department Team Lineup** – Recreation Advisory Committee, Senior Citizen Executive Committee, Recreation Office, Special Events and Office on Aging, Patriotic Committee and Lawrence Nature Center. The Recreation Department/Office of Aging Staff - Jeffery Radice, Recreation Leader, Megan Cook, Part-Time Recreation Clerk, Lillian LaSalle, Executive Director of Office on Aging, Coral Phillips, Senior Citizen Program Aide and two Part-Time Drivers - Ron Dziminski and Mark Lenarski, part-time drivers for the Senior Center.
- Ms. Bergen advised that the Recreation Department is dedicated to creating and providing active and passive recreation opportunities in order to promote social, cultural and physical well-being and improve the quality of life for all Lawrence residents as it relates to planning, promoting and coordinating programs and activities for the township residents; park management-planning, development of

park areas and recreation facilities; special events programming-planning and implementing; public relations, program promotion, community relations and customer service; Recreation Department operating with three full time employee, and working with many part time staff employees, volunteers, and community committees who play a critical role in coaching, teaching and leading many of the activities as well as providing additional recreational opportunities for many special interest groups; the Department covering a wide range of interest, including passive and active activities as well as cultural and special celebrations, for residents of all ages from preschool and school aged children to young adults and senior citizens and all the scheduling and management of parkland activities being organized through the Township Recreation Department.

- **New Game Plan** – Ms. Bergen stated that Lawrence Recreation Department like everybody else faced unparalleled program and special events impacts brought on by COVID-19; but the department continued their commitment to respond to the community needs and to provide programs at the expected level of service even during the pandemic. They had to figure out how to adjust and provide their services to the community during the COVID-19 as a lot of their programs and events were impacted by the pandemic but they did adapt to a New Game Plan by incorporating some new programs and reinventing some.

Ms. Bergen proceeded to highlight some of the programs they did in 2020 as follow: *Clue Scavenger Game at the Parks for all ages; Community Gardens that included over 100 happy participates; 22 Miles of Smiles Fitness Challenge and T-Shirts for all ages including seniors; Room on the Broom Story Walk at Village Park; Halloween House Decorating Contest that was big hit; added a Photography Class; Adult Yoga Class at the park; Hiking Classes for the kids; Nature Explorer Classes at the Lawrence Nature Center; Drive Through Lighting with Public Works and Police Department which PW spent a lot of time and energy on and helped out on tremendously; Jungle for Joy Bells at the Park which was a big hit; Grinch Scavenger Hunt which they partnered with the Police Department on and they finished off the year with the Stomp Out 2020 NYE Kit Giveaway where they gave out bubble wrap and 2021 gift packets.*

Ms. Bergen noted the Budget Packet also includes samples of the 2020 Recreation Department Program and Event Promotional Flyers they used to promote the programs.

- **2021 Recreation Department Goals** – Ms. Bergen reported the Department's primary goals for this year (2021) will be to improve and promote their programs as well as add additional programs within the needs of the community while following local and state health guidelines. She then reviewed the following goals that they are looking forward to: the new Township website and Facebook page to be able to promote some of the activities and encourage participation throughout the community for their programs; adding additional adult and children's programs while following all guidelines; offering additional programs

and activities at the Nature Center and continuing to develop the Nature Center; creating an outdoors basketball league; creating a basketball clinic; organize a Theater in the Park; change up some of the summer camps; go back to Art in the Park which was a big success and continue to work with the Mayor's Wellness Campaign.

- **Lawrence Township Special Events** – Ms. Bergen stated that the Recreation Department with the help of their Volunteer Committees is responsible for planning and coordinating several special events and celebrations. Unfortunately, in 2020 due to the pandemic many of their annual special events were cancelled. They were able to adjust some of their events and bring the community the events in a different and unique way.

Ms. Bergen noted the 2020 Planned Colonel Hand March (Same) but in 2021 they did a Colonel Hand History Video; 2020 Memorial Day Ceremony and Parade (Cancelled) and a Memorial Day Ceremony-Video was done; 2020 Independence Day Fireworks (Cancelled) but they did a Fourth of July Chalk Walk; Community Day (Cancelled) but they did various Community Events and Contest; Veterans Day Ceremony and Lunch (Cancelled) but they did a Drive Thru Veterans Day Lunch and mask Giveaway and for the Township Municipal Tree Lighting was cancelled as but they did a Drive Thru Township Municipal Tree Lighting with the Public Works Department.

Ms. Bergen further noted that they hope to do the 2021 Special Events as they have in the past; but they may need to adjust some.

- **Office on Aging/Senior Center** – Ms. Bergen reported that the Lawrence Township Office on Aging/Senior Center continues to be a hub of activities providing socialization, nutrition and recreation programs geared toward keeping Lawrence Township seniors 60 and older active, healthy and happy. Unfortunately, they had to temporarily close the Senior Center in March 2020 due to the COVID-19 and to protect the vulnerable population. But, during that time Office on Aging was able to continue to their strong commitment to the senior community by providing many programs and services.

Ms. Bergen proceeded to highlight the following items relative to the Office on Aging:

- Ms. Bergen stated that Lillian LaSalle, Executive Director of Office on Aging, wrote a lot of handwritten letters to the seniors which they really appreciated and they did a food drive that allowed them to distribute over 200 bags of food to the seniors, and indicated the community really came together and donated a lot for the senior's and they really appreciated it as the Office of Aging received a lot of thank you letters from the seniors. They also did daily contact calls and wellness checks and a couple of Drive-Thru events but one in particular was a Root Beer Float with ice cream distribution which the seniors liked.

Ms. Bergen noted they moved a lot of activities outdoors to the parking lot such as – Art in the Park, Hula Hoop Fitness in the park which the senior really enjoyed. Also, the community came together and did a lot for the seniors that allowed them to give out lots of Good Bags to the seniors as well.

- 2021 Senior Center/Office of Aging Goals – Ms. Bergen reported their primary goals for the Office on Aging this year will be to implement the reopening plan for the Lawrence Township Senior Center and add additional programs and services for the needs of the senior community while following local and state guidelines being the senior's really miss that comradery. And indicated they have a new Front Desk reception area thanks to public works that is nice once they return to the Senior Center. Additionally, they will continue to do wellness checks on the seniors, continue to research trending needs for the senior community for services and programs during this time and continue to work with the Lawrence Health Department on relaying important information to Lawrence Township Seniors concerning vaccines or any other information.

Ms. Bergen advised that the Recreation Department, Office on Aging and Special Events operating budget remains the same for 2020.

In closing, Ms. Bergen acknowledged and thanked the Council and Municipal Manager for their support and participation in the Recreation Department/ Office on Aging special events and members of the 2019 Patriotic Committee, 2019 Senior Executive Committee, 2019 Recreation Advisory Committee and the 2019 Friends of the Nature Center for all of their help with the activities, programs and special events. She then opened the floor for questions and comments.

Mayor Kownacki stated under 2021 Special Events this year the 20<sup>th</sup> Anniversary of 911 should be added and tomorrow night the Patriotic Committee will be meeting to discuss the details which he will keep the Council apprised on.

Councilman Powers stated just to see the volume of activities and programs done during Covid-19 is just incredible. They could have just said due to COVID the Recreation Department is shutdown but they did not...so kudos to the Recreation Department; particularly, for the outdoor activities which he feels was really appreciated.

Councilman Powers went on to discuss the frustration many seniors are having including his mother and father-in-law with getting registered for an appointment to get the Covid-19 vaccine and inquired if anything was being done with the Office of Aging in terms of helping the seniors get registered. Ms. Bergen replied that they are working with the Health Department who is doing a great job as far as giving out information and telling people where to go for appointments. And, they have been receiving a lot of telephone calls where they are giving out information and there are a lot of special groups working independently to try and get people appointments for vaccines as well; but scheduling an appointment has been very frustrating for a lot of people.

Councilman Powers stated in terms of the Lawrence Nutrition Program and luncheon as it relates to the seniors having social interaction with other fellow seniors at the Senior Center he was glad to hear during her report about the Grab n Go lunches and asked if the participation level was the same as when they had the luncheons at the Center or have they seen a decline in participation. Ms. Bergen stated that the participation level is about the same and they do have some new people as they have been able to reach out to people a little bit more.

Councilman Powers further inquired about a tentative timeline for opening the Senior Center. Ms. Bergen replied that right now the Senior Center is being used as a Covid-19 Vaccine Center until March 12<sup>th</sup> so they are hoping by the end of April; but they will not have a full room of bingo. It will be a gradual transition with limited use to the computer room, card games, etc. and with the new front desk they will be able to check people in and do contact tracing. So, the plan is to slowly open it up and once the weather breaks the plan is to do activities outside again as well.

Councilman Powers stated with regards to the Nature Center he always get nervous because of its location in Drexel Woods, sort of off the beaten path in terms of lighting and security of that facility and asked if Ms Bergen was comfortable as to the setup there; especially, at night with the limited lighting. Ms Bergen responded they usually do not schedule a lot of activities at the Nature Center at night. Their summer camps are through the day and they might schedule a Full Moon Walk, Hike or something like that; but agreed the lighting is not the best.

Councilwoman Lewis commended Ms. Bergen on the great she has done during the pandemic and indicated everybody had to improvise to figure out how to deal with this crisis; but she thinks the programs that she and her staff put on really helped to foster that sense of community that people lost because they could not see each other and she would like to thank her and her staff for that. And having done so many of the events she knows they are appreciated as she sees residents when she is out and about and she hears lots of positive feedback...so the events were a great success. And indicated she does not ever want the Covid related events replicated...she would like the success...but not the events. However; she does think that is was a good way to highlight all the parks and all the things they are doing and she thinks it is important to note all of the ways the Recreation Department used social media to get the message out.

Councilwoman Lewis stated Councilman Powers addressed her questions regarding the Senior Center but she is curious as to when she will be talking about the opening of the Summer Camps; because her social media feed is inundated with options regarding the camps. Ms. Bergen replied once they get back all the information regarding the camps as they are still evaluating each of the camps with regards to camp locations, inclement weather, staffing, sanitizing/safety procedures. But, they will be having the Nature Center Camp they are just waiting for a response back regarding staffing; group sizes will change for all the camps as they will not have large groups as they have in the past.

Councilman Bobbitt echoed the previous sentiments of members of Council with regards to all the hard work Ms Bergen and her staff have done during these trying times and the great job they continue to do as he knows the pandemic has sort of shaken up their usual routine; but, he'd like to commend her for all the outdoor programs that he thinks was sort of an eye-opener to many residents about some of the parks in the Township and what they can do in the park in terms of events. And indicated a lot of people have talked about the Valentine's Day event at Colonial Lake; especially, the food truck and he thinks it also reminded everyone about how valuable and important the outdoors is and he wants to thank Ms. Bergen for reopening their eyes to that value.

Councilman Bobbitt further stated it was great to hear about the Senior Center and their programs as well because every time he has been over there it always felt like a real sense of having probably been a struggle this past year keeping everyone connected. And, he is really excited to see what is next for the Nature Center being that it is a rough gem that needs to be developed.

Councilman Ryan stated he appreciates everything Ms. Bergen did during the pandemic as they could not have planned for this year and he loves how she used her creativity and imagination with some of the things (even the things she came up with on the website) such as the Nature Trails and the Valentine's Day Walk which was amazing and suggested she do a Spring Fling with cupcakes which would be great. He again thanked Ms. Bergen and her staff for the great work that they do for the Township and repeated his appreciation for all of their hard work along with the Mayor and Council, Mr. Nerwinski and the residents of Lawrence.

Mayor Kownacki thanked Ms. Bergen for everything she has done and asked that she keep up the great work and indicated that her staff is doing a fantastic job and he cannot thank her and her staff enough for helping them get through this year which was a rough one.

Ms. Bergen stated she would like to thank Greg Whitehead, Director of Public Works, and his staff for the great job they have done with the parks as they look fantastic. And indicated how amazing it was to see so many people using the park this year as they could just see people walking around enjoying the park. So, as previously cited, it was good to see the parks being noticed. She then thanked the Council for everything.

Mr. Nerwinski advised that Ms. Bergen really cares about her job and nobody sees it from the outside as much; but for every idea that is realized in the community there are ten (10) other ones that she has worked through and figured out and she is constantly throwing out ideas. And indicated he is proud to work with her as she is dedicated and she did not let the pandemic defeat her or sit back and say let's wait this out and Lawrence Township is really fortunate to have her. As for opening back up, he thinks the vaccines will affect public gatherings so they are waiting to see that guidance. And in terms of the seniors he would love to know what the public health guidance plans

are for reopening for vaccinated people as he would like to reopen the Senior Center sooner rather than later which they are planning for.

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**2021 Municipal Budget Presentation**  
**Gregory Whitehead, Director of Public Works**

Public Works Director Gregory Whitehead greeted Council and imparted he and his staff work really well with Ms. Bergen and her staff and the common goal of the Public Works Department and the Recreation Department is to get the job done and they always work as a team and will continue to assist Ms. Bergen and her staff in any way they can and thanked her for that good cooperation. He then indicated that there are no changes to the operation budget or capital request for 2021.

Mr. Whitehead went on to discuss the winter that was mind-numbing for the Public Works Department and gave credit to all of his employees in Public Works for what they endured and the challenges they had this winter. As for the several weather events that took place in February not counting black ice and other issues just the snowstorms they had about 35 inches of snow, had over 2300 hours of overtime, used over 1700 tons of salt and 8500 gallons of brine to fight through the month of February which is not quite over yet. But, on a positive note, the salt barn they bought a few years ago saved them this year as they would have been without salt given there was a 10 day period where nobody was getting salt except for the State; so, they made over 100 telephone calls to get salt delivered to them and they took in loads on the weekends and holidays and they are now fully stocked again and that just shows how important it is to be self-reliant because sometimes during a storm or disaster there is nobody open and/or nobody to come help, so the things you stock and prepare for are what you have to help you through.

Mr. Whitehead stated in terms of COVID the Public Works Department is still working a little bit of a split shift and the employees have been great in assisting with everything they have been doing in terms of sanitizing and checking-in on their COVID App, doing the split shifts with no complaints and full compliance, sanitizing and wiping the buildings down daily and supplying all the departments with what they need when they can which they will continue to do. With the reopening of the parks they will be sanitizing the playgrounds as much as they can.

Mr. Whitehead provided a general overview of the divisions within the Public Works Department. It is comprised of (31) thirty-one employees encompassing (6) six divisions – Administration (3 employees), Streets Division (13 employees), Parks Division (7 employees), Building and Grounds (4 employees), Vehicle Maintenance (4 employees) and Ecological Facility (Staffed from the Streets Division). Public Works services all municipal roadways, parks, municipal facilities, vehicle maintenance, and the ecological facility operations in conjunction with Princeton. The Department also oversees a multitude of vendors and contracts related to trash removal, recycling, capital improvements and general services.



Mr. Whitehead then reported on the following items:

- **Accomplishments for 2020** – 2020 Surplus Auction total sales \$83,024.06; Major contracted tree project – Removal/ Trimming; New wood chip delivery program – 188 Deliveries; Assisted in the purchasing process and delivery of two new firetrucks, one new ambulance; 2020 paving program with paving left over for the spring; assisted with the solar initiative; Veterans Park restrooms rehabilitation completed; Fall re-seeding program – Athletic fields completed; Installation of new park benches (on-going project); Cedar roof replacement – Brearley House; Colonial lake Hydro-raking project completed; New reception area completed at the Senior Center; Police Training Room - Paint and Repairs completed; Concreted floor rehabilitation at Public Works; Veterans Park – New 200-amp electrical panel upgrade; New park signs – Village Park, Colonial Lake Parks; Slackwood Firehouse – Day room rehabilitation; Received two new electric cars ( third vehicle has been ordered); Police – Town Hall new upgraded fire panels; New HVAC unit – Slackwood Fire Company day room; Central Park roof replacements – Pezzicola score building, Little League score building, Pump house at Central Park; EMS – 112 LED fixture conversions; Senior Center – 152 LED conversions, 8 LED outdoor fixture conversions and Town Hall Exterior- Masonry repairs and the building was power washed and sealed.

Mr. Whitehead noted they also were able to get some LED Light Conversion done at Village Park (72 Light pole fixture head conversions, 36 Pavilion LED fixture conversions; Central Park (25 Light pole fixture head conversions, 14 LED fixture conversions) and Village Park ( 25 Pre-cast light poles replaced).

- **Parks Division** – The Division was very busy and had to kind of rearrange themselves to accommodate how busy they were but the guys really did a good job. And indicated in some places where they normally cut in the morning they could not cut anymore due to activities and in other places where they normally had no litter after the weekend they had litter so the guys had to really balance their schedules to make sure the parks were taken care of last summer.

**Streets Division** – The Division being the busiest with 1,276 work orders from residents and other agencies and proceeded to review the total cost, labor hours and needs associated with the following services: Leaf Collection Program, Brush Collection Program White Goods Collection, Street Sweeping Program, Roadside Mowing, Snow Removal, Brine and Salt, Solid Waste Program, Sinkhole Pipe Repairs, Sinkhole/Drain Repair, Drain Rebuilds, Storm Drain Cleaning, Asphalt Material, Shared Services

and the Road Division Daily Job Labor Hours Pie Chart for 2020 Projected Labor Hours for various tasks.

- **Future Personnel Needs** – The need for five (5) new employees based on the difference between available hours and unavailable hours of 8,736
- **Streets Division Tree Removal** – 2020 Progress – Trees Removed (262), Trees Trimmed/Maintenance (414), Total labor hours 2,827, Labor wages -\$68,448.80 by public works staff. Trees Removed (138) and Stumps Ground (42) by contractors - total cost \$133,432.55.
- **Vehicle Maintenance Division** – The Vehicle Maintenance Division is comprised of (4) highly skilled individuals that are responsible for servicing and maintaining over 350 vehicles and pieces of equipment. The Division outsourced (26) works orders, logged 800 work orders for the municipal fleet and repair work and 1,745 labor hours in 2020, coordinates and performs repairs, maintenance and inspections on various equipment and facilities, maintains above-ground and underground storage tanks and unleaded fuel programs to continue to increase efficiency and provide services that reduce equipment down time which increases productivity for other municipal departments. They also reduced their use of environmental unfriendly chemicals in the operation and rely on bio-degradable products whenever possible.

Firetruck maintenance – Mr. Whitehead advised that the budget was increased in 2018 to outsource a larger percent of maintenance of the firetruck fleet and the program has been successful. During 2019, the Division outsourced 62 work orders (30 additional work orders were completed at the facility) that were handled by a variety of vendors. Most of the orders were related to preventative maintenance, electrical concerns, and major fire pump repairs and preceded with an update of the major repairs for Lawrenceville Fire Ladder 23, Lawrenceville Fire TS 23, Lawrence Road Fire TS 22, Lawrence Road Fire Rescue 22, Slackwood Fire Engine 21 and Slackwood Fire TW21.

Mr. Whitehead stated that he could go on and on about the Vehicle Maintenance Division and that Clyde D'Angelo does a great job managing that area and just hired a new mechanic. He then explained that a lot of the new technology does not allow the guys too much access but they do a great job with what is available to them.

- **Joseph H. Maher, Jr. Ecological Center** – Due to Covid-19 contractors were kept off site; but 4,969 residents visited the sites in 2020. Free Compost Program (leaf compost and double-grounded wood chips) and Compost Sales (leaf mulch and wood chips) will continue, New Shared Service Agreement signed with Princeton, Mulch Delivery Program (188

Deliveries/780 cubic yards – Mr. Whitehead noted that proceeds goes back into the joint-account to run and pay for things at the Ecological Center) and Landscaper Registrations (41) are running smoothly with minimum issues in terms of what is being put out on the streets and they are continuing to register and educate landscapers that are working out on the roads and residents so they know the requirements to comply with the law.

- **Division of Buildings and Grounds** – Division is very busy retrofitting LED lighting, doing roofing projects, masonry and painting projects and in the next week they will be working on doing the athletic fields at the parks. Mr. Whitehead noted Slackwood Fire Company rehabilitation is completed and really came out nice that should suit them for a long time.
- **Lawrence Curbside Organic Recycling Program** - Public Works Department continued efforts with the Curbside Organic Collection Program to make it more affordable and sustainable (122 residents/38.50 fee paid directly to vendor), 2020 Organic Waste – 54.77 tons collected (savings of \$25,990.68), Electronic Recycling Program - Wednesday drop-off for covered electronics (46,179 pounds recycled in 2020) and Municipal Auction 2020 on-line auction for sale of surplus property through Municibid resulted in sales of \$83,024.06.

Councilman Ryan thanked Mr. Whitehead for all that he and his staff do and indicated in February the Township got slammed with snow and the great work his department did is a testimony to him as the Director of Public Works; because even though the department had split shifts sleeping in the Senior Center or may have been eating dinner or on break when they were called they got out on the road and did a fabulous job plowing the roads throughout the township. And, the Council received very few calls stating their roads were not plowed and the few complaints they did receive were investigated and the claims were baseless. He further complimented the Public Works Department on the fabulous job they did on the landscaping and mulching at the 911 Memorial site featured in his report and indicated when public works gets called the job gets done and other municipalities looks at the fine example set by Lawrence Township with regards to the great maintenance of the parks and snow plowing and try to emulate what they are doing...so kudos to him and his staff...keep up the great work.

Councilman Bobbitt thanked Mr. Whitehead for the great presentation which he indicated had a lot of interesting things in it for the Council to think about; but, he would like to start by saying thank you for all that his department does as it is sometimes easy to forget that Public Works touches on so many aspects of the Township that really makes Lawrence a wonderful place to live when they think about garbage pickup, snow plowing and maintenance of the parks which is greatly appreciated. And indicated he sometimes receives text messages regarding brush not being picked up or roads not being plowed and before he can even respond back he has already received a text back thanking him for all that he does when he has not made a call yet. So, he would like to thank Mr. Whitehead and his staff for making the Township Council look good.

Councilman Bobbitt stated he also appreciates all the work Mr. Whitehead has done for the environmental causes, not only with curbside organic, but for being at the forefront of helping the town change out old inefficient fixtures to LED's to adding the water bottle fill stations at the different parks that is really noticed and appreciated. And, he hopes Mr. Whitehead was able to participate in some of the green infrastructure and storm water maintenance things that have passed and are coming up because he thinks that is something they will need Public Works help to move the town forward. Also, he was really impressed by the shared services equipment savings between the Township and Princeton. Thereafter, a general question, answer and exchange of dialogue ensued relative to the progress of brush pick/leaf collection as it relates to scheduling, team approach in educating the residents and contractors in keeping the town clean and safe and getting the word out through social media. Additional discussion took place relative to cross training employees and balancing the department's request for five (5) new employees.

Councilwoman Lewis stated she would first like to thank and commend Mr. Whitehead and his staff on the great job they did during the snowstorms and indicated in the last month or so she has been on several calls with other elected officials in the county stating that they do not want to go to their council meetings being the residents are going to be mad at them, and indicated she just sits back and smiles and they ask her why she is not complaining and she told them that she does not have residents that complain instead she has residents who thanked their public works department. And indicated every single time they have a snowstorm the residents are out on Facebook thanking Mr. Whitehead and his staff for being out there and getting the streets ready for the residents and everybody in Mercer County has noticed. And, when people ask about the public works staff leaving she informs them that the Staff is very, very happy where they are employed and no one will ever want to leave Lawrence Township. She thanked Mr. Whitehead again for the great job they do which the Council greatly appreciates.

Councilwoman Lewis stated she was really happy to see people are sticking with the Curbside Organic Program as she feels it is really important in the long run and indicated there are now at least two biodiesel plants in the State of New Jersey so she is curious as to why the cost has not come down and she would really like to see what can be done about reducing that cost and asked if he had any more information than the fact that the cost has not gone down. Mr. Whitehead noted that the price right now is strictly trucking and explained that for Solterra or any contractor to pick up waste from 200 homes scattered over a 22 mile town is just unproductive and inefficient being the contractor has to pay the driver for an entire day and fuel the truck. And, to try and make a profit, even dumping it closer, the contractor has to make it worthwhile as tying up a \$200,000 truck has to be profitable. So, they are at a crossroads as he needs the contractor to be cheaper to grow the program and he needs more people to make a profit; therefore, they have to figure out how to find a balance and pass that roadblock which they will have to make a decision on at some point. Additional discussion took place relative to the program working out well until Princeton suspended their program that kind of hinder how the program for Lawrence given it was more meaningful to the contractor when he had two towns versus one of organic waste.

Councilwoman Lewis also commended Mr. Whitehead on the Mulch Delivery Program which she stated was a really good idea and a program she has received lots of calls on from residents telling her how great it is. And, to piggyback on Councilman Bobbitt's comments with regards to green infrastructure when she reviewed the Chart in his report the retention basin pieces if done right is a place where they will see a reduction in time which will require some education; but would be some really great projects to see and work through. She then inquired about public work plans to do a shred event which Mr. Whitehead advised they are planning to do late spring with a grant they received and that last year they did not have an event due to Covid and them having no concept as to how to do it safely; but, they have hosted a couple of rabies clinics at public works and they will use that same flow to do the shred event.

Councilman Powers echoed the previous comments with regards to the great job Mr. Whitehead and his staff do during snowstorms as it relates to plowing and clearing the road after a storm and indicated Mr. Whitehead might be receiving some calls from other elected officials because of his proactivity in terms of making the recommendation to the Council to buy the Salt Barn. And, he is probably going to see a lot of other public works departments deciding to make that investment to ensure they are not left shorthanded when they do get an ice event and proceeded to discuss the perfection of what his crew does after a snowstorm in terms of snow removal and clearing the roads which is wonderful.

Mr. Powers then asked Mr. Whitehead what keeps him up at night, what are some issues he foresees in the 2022 and 2023 from a public works prospective that the Council could focus on. Mr. Whitehead replied garbage collection is becoming a bigger headache than it used to be as they only had one bidder in the last two contracts and he thinks that will play out in terms of what the Council chose to do with the solid waste services and continued to the Solid Waste Program in Mercer County being a little bit of a problem because they do not have a landfill; so, it is a program that they have to keep an eye on and the process is getting tougher and the future is unknown. Mr. Powers inquired if the LED conversion was completed and Mr. Whitehead advised that it is not totally done yet as they still have to do one round to pick up the miscellaneous.

Mayor Kownacki thanked Mr. Whitehead and his staff for the outstanding work they did last year (2020) and this year and for the great job they did on the 911 Memorial service and Valentine's Day event. And stated, yes, it is true people he knows who reside in Hamilton Township speak highly of how clean the roads are and how things are run in Lawrence compared to Hamilton and the City of Trenton. He thanked Mr. Whitehead again and expressed the Council's appreciation for everything that he and his staff have done for Lawrence Township.

Mr. Nerwinski stated that Mr. Whitehead is the consummate professional and his job is to stay out of his way and be there when he needs him to assist in any way and indicated the Township is really fortunate to have him. And indicated in the past four or five months he has been receiving more emails, very positive emails, acknowledging the good works of the Public Works Department; some actually describing incidents of individual workers going the extra mile which is really good to hear and obviously comes

from leadership as that department loves to shine. Councilman Bobbitt noted people were home due to Covid and could actually see all the work put in by public works...so kudos to them. In conclusion, Mr. Nerwinski stated for the people watching virtually that there is a link located on the Township's website for both reports they can click on to view.

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### Public Participation

Mr. Lawrence Campbell, 2495 Brunswick Pike, advised that he is present this evening on behalf of Island Sports Bar & Grill, one of the newest restaurants in Lawrence Township, and he faxed over a letter to the Mayor and Council requesting a change to Ordinance 2188-14 for business closing from 1 a.m. to 2 a.m. being the Township has an ordinance limiting the time a sports bar and/or restaurant can be open and they are trying to get the hours extended to 2 a.m. and he is present this evening to see if that change is possible. Mr. Nerwinski explained that he met with the Police Department with regards to public safety and what the impact would be from going from 1 a.m. to 2 a.m. and feedback which he shared with the Council is the police did not see any apparent reason why the one hour time change would be problematic unless an issue should arise; but, if the Council is so inclined to move forward with the change the police would like to take that period of time and study what ramifications there are, mainly, having more activity later on in the early morning hours. And indicated they do understand that this has been a real difficult time for businesses so this would be an opportunity for the Township to work with local businesses in a way.

A general discussion ensued relative to hours being changed to be consistent with ABC licensees' hours of operations and the challenges of small businesses trying to stay afloat in the present economy due to Covid-19 as well as the need for Council's support. After the discussions, members of Council were in favor of supporting Mr. Campbell's request as long a public safety is maintained. Mr. Nerwinski stated there seems to be a consensus amongst the Council so he will prepare the amendment to the Ordinance and hopefully this change will provide some assistance to Mr. Campbell and other struggling businesses as well.

Ms. Martha Friend, 976 Lawrenceville Road, stated that she needs clarification regarding some information she could not find on the Township's website as it relates to Developers who request to build in Lawrence and go through various committees, planners, zoning, if necessary, to seek approval to build and questioned if those who sit on the Township's committees are experts in their field or are they just residents who volunteer to be on a committee. Mayor Kownacki advised that the appointees are experts in their fields. She stated for her next question she not does know if it is possible but in thinking about Affordable/Sustainable Housing the Township should have folks on the Board who know something about affordable housing and who have experienced living in an affordable housing environment to help make decisions. And, she does not know if that is something they can be privy to but it seems like having people at the table who depend on affordable housing or who have lived in that type of

environmental community should be part of the conversation. She then thanked the Council for their time.

Mayor Kownacki advised that they have residents on the Affordable Housing Board who live or have lived in affordable housing and almost every Councilmember on the dais serves or have served as a liaison to a board or committee. Councilman Bobbitt currently serves as the liaison to the Affordable Housing Board and several years ago he served on the Board as well. Also, Andy Link, Principal Planner/Township Staff Liaison, served as the Affordable Housing coordinator until he retired last year, and Kevin Van Hise, serves as the Chair and the Attorney for the Affordable Housing Board. Ms. Friend thanked him for the information.

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#### Review and Revisions of Agenda

There were no revisions of the Agenda.

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#### Adoption of Minutes

On a motion by Ms. Lewis, seconded by Mr. Powers, the Minutes of Regular Meeting of January 19, 2021 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.  
Absent: None.  
Abstain: None.

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#### Awarding or Rejecting of Bids

There was no rejection of bids.

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#### Introduction of Ordinances

There was no introduction of ordinances.

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Adoption of Ordinances

Mayor Kownacki read by title, an ordinance entitled, "AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LAWRENCE TO PROVIDE FOR THE LICENSING AND REGULATION OF TOWING AND STORAGE SERVICES"

Ordinance No. 2382-21

AN ORDINANCE AMENDING ORDINANCE NO. 2280-17 AMENDING  
THE CODE OF THE TOWNSHIP OF LAWRENCE TO PROVIDE  
FOR THE LICENSING AND REGULATION OF TOWING AND  
STORAGE SERVICES

**WHEREAS**, pursuant to N.J.S.A. 40:48-2.49, the Township of Lawrence is authorized to enact an ordinance setting forth regulations for the removal of motor vehicles from private or public property, including the fees charged and notice requirements for such removal and storage, along with the licensing of towing operators; and

**WHEREAS**, under this statute, the Township may set forth minimum standards of performance for such operators, including, but not limited to, the adequacy of equipment and facilities, availability and response time, and the security of vehicles towed or stored; and

**WHEREAS**, N.J.S.A. 40A:11-5(l)(u) provides for an exception to the public bidding requirements of the Local Public Contracts Law for towing contracts when the municipality has provided for a non-discriminatory method of rotating calls between all licensed operators within the municipality; and

**WHEREAS**, the Township Council of the Township of Lawrence finds it to be in the best interest of the Township and its citizens to enact an ordinance to govern and regulate the practice of towing motor vehicles throughout the Township, including the establishment of regulations for the required equipment, location and response time, and performance of those operators of towing services on behalf of the Township.

**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 13A which provides for the licensing and regulation of vehicle towing and storage services provided at the request of the Township:



**CHAPTER 13A**

**TOWING AND STORAGE OF MOTOR VEHICLES**

**Sec. 13A-1. Purpose and Scope.**

- (a) The purposes of this Chapter are:
  - (1) To establish a requirement and procedure for the licensing of individuals and entities providing municipal towing and storage services to the Township of Lawrence;
  - (2) To establish, in the interest of public safety, a uniform policy for the towing and storage of motor vehicles;
  - (3) To establish uniform fees for towing and storage services.
  - (4) It is the purpose of this Chapter to establish a non-discriminatory method of rotating calls between all registered operators requesting to provide municipal towing services at the request of, on behalf of, or for the Township of Lawrence or its Police Department.
  
- (b) This Chapter shall apply to all motor vehicle towing and storage operations performed at the request of the Township of Lawrence.

**Sec. 13A-2. Definitions**

As used in this Chapter, the following terms shall have the meanings indicated:

BASIC TOWING SERVICE shall mean private property towing and other non-consensual towing as defined in this section and other ancillary services that include the following: arriving at the site from which a motor vehicle will be towed; waiting 15 minutes; hooking a motor vehicle to or loading a motor vehicle onto a tow truck; cleanup; transporting a motor vehicle to a storage facility; unhooking or unloading a motor vehicle from the tow truck; and situating the motor vehicle in the space in which it will be stored. "Basic tow" also includes issuing documents for the release of a motor vehicle to its owner or other person authorized to take the motor vehicle; issuing an itemized bill; three trips to the motor vehicle in storage, which, if applicable, include making a vehicle available to an insurance appraiser or adjuster; issuing documents for the release of a motor vehicle to its owner or other person authorized to take the motor vehicle; and retrieving a motor vehicle from storage during the hours in which the storage facility is open. Basic tow does not include a recovery of a motor vehicle from a position beyond the right-of-way or berm, or from being overturned or impaled upon any other object within the right-of-way or berm.

BUSINESS OFFICE shall mean the business office of the towing operator where the towing operator shall conduct business associated with the towing and storage of vehicles.

CHIEF OF POLICE shall mean the Chief of the Lawrence Township Police Department or his/her designee.

DECOUPLING shall mean releasing a motor vehicle to its owner or operator when the motor vehicle has been, or is about to be hooked to or lifted by a tow truck, but prior to the motor vehicle actually having been moved or removed from the property.

IMPOUNDED VEHICLE means a vehicle that is towed by an officer from the Lawrence Township Police Department for a reason that requires a Vehicle Release Form to be obtained prior to the vehicle being released from the storage facility.

MATERIALS: includes [means] any product used to absorb oil, antifreeze and any other fluids leaking from a vehicle. (Ex. Speedy dry and/or absorbent type material)

MOTOR VEHICLE includes all vehicles propelled otherwise than by muscular power, except such vehicles as run only upon rails or tracks and motorized bicycles, motorized scooters, motorized wheelchairs and motorized skateboards.

NON-CONSENSUAL TOWING shall mean the towing of a motor vehicle without the consent of the owner or operator of the vehicle. "Non-consensual towing" includes towing a motor vehicle when law enforcement orders the vehicle to be towed whether or not the owner or operator consents.

PERSON shall mean an individual, a sole proprietorship, partnership, corporation, Limited Liability Company or any other business entity.

RECOVERY means a tow operator using his skill and knowledge to preserve the condition of a motor vehicle while up righting an overturned motor vehicle or recovering it from a position beyond the right-of-way or berm, or from being impaled upon any other object within the right-of-way or berm to a position where it can be towed.

SECURE STORAGE FACILITY means a storage facility that is either completely indoors or is surrounded by a fence, wall or other man-made barrier that is at least six feet high and is lighted from dusk to dawn.

STORAGE FACILITY means a space at which motor vehicles that have been towed are stored by the towing operator.

TOWING shall mean the moving or removing from public or private property or from a storage facility by a motor vehicle of a consumer's motor vehicle that is damaged as a result of an accident or otherwise disabled, is recovered after being stolen, or is parked

illegally or otherwise without authorization, parked during a time at which such parking is not permitted, or otherwise parked without authorization, or the immobilization of or preparation for moving or removing of such motor vehicle, for which a service charge is made, either directly or indirectly. Dues or other charges of clubs or associations which provide towing services to club or association members shall not be considered a service charge for purposes of this definition.

TOWING LIST shall mean the list maintained by the Township Police Department containing the names of those actively registered towing operators whom have contracted with the Township to provide municipal towing services for the Township.

TOWING OPERATOR shall mean any person in the business of, or offering the services of a towing service whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle adapted to and designated for that purpose.

VEHICLE shall mean any device in, upon or by which a person or property is or may be transported upon a highway.

TOWNSHIP shall mean the Township of Lawrence, Mercer County, New Jersey.

Editor's Note: The power to regulate the removal of motor vehicles from private or public property by operators engaged in such practice is contained in N.J.S.A. 40:48-2.49, and the general police power granted by N.J.S.A. 40:48-1.

**Sec. 13A-3. Municipal Towing Services; Contract.**

- a. Any towing operator desiring to provide municipal towing services for the Township must file an application with the Township, meeting the requirements of this Section, and enter into a contract with the Township.
- b. The Township shall secure a contract with those towing operators who filed applications with the Township and desire to provide municipal towing services for the Township. The contract shall provide for an annual review of the towing operator's services and compliance with this Section. The contract shall prohibit subcontracting by the towing operator.
- c. The contract with the Township shall be for a period of three (3) years. At the expiration of the three-year term, in order to continue to provide municipal towing services for the Township, the towing operator shall file a new application, with the required submissions, and enter into a new contract with the Township.

- d. Applications may be submitted to the Township at any time. New tow operator contracts may be awarded by the Township and entered onto the on-call towing list at the beginning of each calendar year. The Chief of Police may include a new tow operator onto an existing on-call towing list when such inclusion is in the best interest of public safety. The contract shall not be exclusive, with the Township being able to award contracts to multiple towing operators at any time.
- e. The Township shall have the sole discretion to deny a contract with any towing operator failing to file the requisite application or to meet the requirements of this Section. All applications for a contract for the provision of municipal towing services filed with the Township shall be granted or denied by the Township Council, based upon the recommendation of Chief of the Township Police Department, or his designee, upon review of same.

**Sec. 13A-4. Municipal Towing Services; Application.**

- a. No person shall be eligible to provide municipal towing services for the Township until it submits an application with the Township.
- b. An application for municipal towing shall be made in writing to the Township Clerk, in the form prescribed by the Township Clerk, and shall be accompanied by a fee of \$400.00, which is non-refundable and covers the Township's costs in processing the applications.
- c. The applicant shall state the complete street address of the location or locations from which the business of towing shall be conducted, indicating which its principal location is and which is its storage facilities, which shall meet the requirements of Section 13A-11. The applicant shall provide a copy of a valid certificate of occupancy for the storage facility for automobile related uses.
- d. The applicant shall identify and provide a description of its towing vehicles, including vehicle registration number, weight, number of wheels and purpose, with which the applicant intends to provide towing services. All towing vehicles shall meet the requirements of Section 13A-6. The applicant shall provide copies of the equipment manufacturer's specification for each piece of equipment.
- e. The applicant shall provide the name, address and driver's license number of the applicant and all employees of the applicant that are expected to be involved in the operation of the applicant's vehicular equipment for the towing of motor vehicles. All drivers for the applicant shall be at least 18 years of age and possess a valid New Jersey driver's license for the operation of the towing equipment.
- f. The applicant shall authorize a criminal background check of the applicant and all of its employees and agents, including the obtainment of a New Jersey driver's abstract. The

background check shall also require a fingerprint background check by Identigo by MorphoTrust USA. All applicants, employees and agents shall set up an appointment to be fingerprinted by going online to [www.bioapplicant.com/nj](http://www.bioapplicant.com/nj). The costs associated with obtaining the criminal background checks shall be the responsibility of the applicant and payment is required during scheduling. New Jersey Universal Fingerprint Forms are on file at the Lawrence Township Police Departments Records window and can be picked up during normal business hours. NOTE: (Fingerprinting of applicants-this applies to new towing applicants who have never towed in Lawrence Township or have lapsed in towing service with Lawrence Township)

- g. The application shall include a valid original certificate of insurance from an insurer authorized to do business in the State, at the minimum amounts set forth in Section 13A-8.
- h. The applicant shall disclose whether the applicant, or any of its employees or agents, is subject to any of the disqualifications specified in Section 13A-6.
- i. The applicant shall provide written proof of a minimum of five (5) years towing experience.
- j. The applicant shall provide a minimum of three (3) references of the applicant's towing experience.
- k. The applicant shall provide copies of all certifications for its employees as follows:
  - 1. Each "light duty" driver must obtain a certification for such operation from a nationally recognized organization.
  - 2. Each "heavy duty" driver must obtain a certification for such operation from a nationally recognized organization.
  - 3. Each "recovery supervisor" must obtain a certification for such operation from a nationally recognized organization.
  - 4. The nationally recognized organizations that are acceptable for the Township are:
    - i. Towing and Recovery Association of America (800-728-0136)
    - ii. Wreck Master (800-267-2266)
    - iii. Garden State Tow man's Association (732-530-4782)
- l. The applicant shall furnish any additional information concerning the personnel, vehicles, equipment and storage facilities of the applicant as may be required by the Township Clerk or Chief of the Township Police Department during the review of the application.
- m. If any of the information required in the application changes, or if additional information should be added after the filing of the application, the applicant shall provide that information to the Township Clerk, in writing, within thirty (30) calendar days of the

change or addition. Any application to add an additional driver during the contract term shall be accompanied by a fee of \$35.00 plus the costs incurred under 13A-4(f).

- n. The applicant shall provide a certified statement of the willingness of the towing operator to be available on a 24-hour, seven (7) day per week basis, and to abide by the instructions and directions of the Chief of Police, his subordinates, and the provisions of this Section. Such towing operators shall further provide the telephone number or numbers available on a 24-hour, seven (7) day per week basis, and the names, addresses and New Jersey Motor Vehicle driver's license numbers of all the towing operator's employees.
- o. The applicant shall provide a certified statement of compliance with the minimum requirements of Section 13A-6.

**Sec. 13A-5. Minimum Requirements; Equipment.**

- a. Any towing operator providing municipal towing services shall have a minimum of two (2) vehicles that meet the minimum standards set forth below:
  - 1. At least one light duty wreckers with a minimum chassis rating of 15,000 pounds gross vehicle weight, equipped with a hydraulic boom rated for 8,000 pounds, a hydraulic wheel-lift with 3,000 pounds lift capacity, and with dual hydraulic winches each having a 8,000 pound capacity, and equipped with 100 feet of 3/8 inch wire rope.
  - 2. At least one flatbed type wreckers with a minimum chassis rating of 25,500 pounds gross vehicle weight, [equipped with a minimum 19-foot bed, and equipped with a hydraulic wheel-lift with 3,000 pounds lift capacity and within six (6) months of the effective date of this Ordinance at least one flatbed wrecker with a minimum class rating of 25,500 pounds gross vehicle weight], equipped with a minimum twenty-one (21) foot bed and equipped with a hydraulic wheel lift with 3,000 pounds lift capacity.
  - 3. In addition to foregoing requirements, if the towing operator applies for heavy duty towing assignments, the towing operator must own a heavy duty wrecker with a minimum chassis rating of 33,000 pounds gross vehicle weight, with a hydraulic boom rated for a minimum of 35 tons, hydraulic under-reach with a minimum 45,000 pounds lift capacity, and dual hydraulic winches, and must have tandem rear axles.
  - 4. All vehicles must be equipped with a communication device (cellular phone), cab mounted amber emergency warning lights (conforming to New Jersey Motor Vehicle law standards and all light permits being obtained), tow sling type bars with rubber straps and/or wheel lift capability with safety straps to prevent damage to towed vehicles, and with steering locks for towing vehicles from the rear.

**Sec. 13A-6. Denial, Suspension or revocation of contract.**

- a. The Township may deny, suspend or revoke any contract for municipal towing services upon the recommendation of the Chief of the Township Police Department, or upon other proof that the towing operator, or any of its employees or agents:
  1. has obtained a registration through fraud, deception or intentional misrepresentation;
  2. has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;
  3. has engaged in gross negligence or gross incompetence;
  4. has engaged in repeated documented acts of negligence or incompetence;
  5. has had a towing operation registration or license revoked or suspended by any other state agency or authority for reasons consistent with this section;
  6. has violated or failed to comply on more than three occasions with the schedule of tariff or fee regulations herein; or
  7. has been convicted of:
    - (a) a crime under Chapter 11, 12, 13, 14 or 15 of Title 2C of the New Jersey Statutes;
    - (b) motor vehicle theft or any crime involving a motor vehicle under Chapter 20 of Title 2C of the New Jersey Statutes; or
    - (c) any other crime under Title 2C of the New Jersey Statutes relating adversely to the performance of towing services or the storage of motor vehicles as determined by the Chief of the Township Police Department.
- b. A final refusal to register, or the suspension or revocation of a registration by the Township shall not be made except upon reasonable notice to the applicant, and an opportunity for the applicant to be heard by the Township Council. The hearing is at the option of the applicant.
- c. In the event the application has been denied, the applicant will have ten (10) business days to provide written notice to the Office of the Chief of Police stating if the applicant requests a re-inspection of a storage site, equipment or request to amend any information contained in the written application. No more than two re-inspections or application amendments may be requested.
- d. All re-inspections or review of application amendments must be completed within (20) twenty business days from the receipt of denial of the initial application.
- e. There shall be a fee of \$75.00 for each re-inspection or review of application amendments, in addition, to any application fees.

**Sec. 13A-7. Rotating List.**

The Chief of Police is hereby authorized to establish a system of rotation for the assignment of contracted towing operators to provide municipal towing services required pursuant to this Section. The rotation system shall be established on a non-discriminatory and non-exclusionary basis[;]but, shall take into consideration a towing operator's inability to respond with a twenty-one (21) foot flatbed wrecker in the case of a motor vehicle accident involving

larger vehicles or the disability of a large vehicle within a public right of way, at the discretion of the police officers at the scene]. Only towing operators with executed contracts with the Township shall be assigned to the rotation list. A towing operator shall be added to the rotation list pursuant to Section 13A-3. All new contracted towing operators shall be assigned to the rotation list at the bottom of such list.

The rotation list shall be composed so as to permit a reasonable rotation of contracted towing operators. This will be done on a **per call basis**. The revolving list applies to basic towing and heavy duty towing services. Once the on call towing operator has been utilized, the next tow call goes to the next contracted towing operator. If the towing operator currently on-call under the rotation list cannot respond and provide the required municipal towing service, the Township shall move to the next towing operator on the rotation list. If no towing operator on the rotation list is able to respond and provide the required municipal towing service, the Chief of Police may deviate from the rotation list and arrange for another towing operator to provide such service.

Notwithstanding the above rotation list, in the interests of public safety, the Chief of Police, in his/her discretion, taking into account the emergency, safety and location of the situation, may part from the rotation list and call for the closest available towing operator to respond.

#### **Sec. 13A-8. Insurance Requirements.**

In addition to the insurance requirements set forth in N.J.A.C. 13:45A-31.3, as may be amended from time to time, all towing operators providing municipal towing services must maintain the following insurance policies, naming the Township as an additional insured:

- a. Motor vehicle liability for a tow truck capable of towing a motor vehicle that is up to 26,000 pounds, for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of \$750,000, single limit; and
- b. Motor vehicle liability for a tow truck capable of towing a motor vehicle that is more than 26,000 pounds, for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of \$1,000,000, single limit.
- c. Garage keeper's Policy. A garage keeper's liability policy in the minimum amount of one hundred thousand (\$100,000.00) dollars, and "on-hook" coverage, for each vehicle damaged on a separate claim.
- d. Garage Liability Policy. A garage liability policy covering applicant's business, equipment and vehicles in the minimum amount of five hundred thousand (\$500,000.00) dollars for any one person injured or killed, and a minimum of one million (\$1,000,000.00) dollars for more than one person killed or injured in any accident and an additional one hundred thousand (\$100,000.00) dollars for any



damage arising from injury or destruction to property, and/or a combined single limit of one million (\$1,000,000.00) dollars. In addition to each policy containing an endorsement showing the township as an additional insured, such policy shall also provide an endorsement entitling the Township to 30 days' prior written notice to the Chief of Police in the event of any change in coverage under the policy, or in the event of the cancellation of the policy.

- e. Worker's Compensation Policy. A worker's compensation policy covering all of applicant's employees and operators, containing statutory coverage including liability coverage of at least five hundred thousand (\$500,000.00) dollars for each accident per person, five hundred thousand (\$500,000.00) dollars policy aggregate limit per disease, and five hundred thousand (\$500,000.00) dollars for each disease per person.
- f. Umbrella liability insurance policy in the amount of five million (\$5,000,000.00) dollars, which shall be applicable to all liability coverage required above.

**Sec. 13A-9. Indemnification.**

Any contract entered into by the Township with a registered towing operator pursuant to this chapter shall include a provision whereupon the registered towing operator assumes all liability and shall indemnify, defend and save the Township, its committees, boards, departments, agents, and employees, harmless from damages (including attorney's fees and court costs) or losses sustained by vehicles while being towed, stored or released from towing operator's possession, and from all personal injuries and property damage occurring to any persons, or property, as a result of the performance of the towing operator's services, including, but not limited to, towing, storage, or other such activities relating to the municipal towing services. All responsibility for the release of a stored vehicle shall be on towing operator only.

**Sec. 13A-10. Schedule of services eligible for charging a fee; reasonable fees.**

- a. A towing operator may only charge a fee for those towing and storage services set forth in the following schedule, plus the cost of any additional equipment needed for recovery, plus the cost of any materials, parts or fuel.[Per calendar day]

| <u>Basic Tow Fee</u>                           | <u>Fees</u>                                                |
|------------------------------------------------|------------------------------------------------------------|
| Light Duty Rate<br><br>(less than 8,601 G.V.W) | Tow: <u>\$160.00</u> (Flat Rate)<br><br>Recovery: \$200.00 |

|                                                |                                                                     |                                                            |
|------------------------------------------------|---------------------------------------------------------------------|------------------------------------------------------------|
|                                                | (Per Hour, per Truck)                                               |                                                            |
| Medium Duty Rate<br>(less than 16,000 G.V.W)   | Tow: <u>\$220.00</u><br>Recovery: \$350.00<br>(Per Hour, Per Truck) |                                                            |
| Heavy Duty Rate<br>(greater than 16,000 G.V.W) | Tow: \$450.00<br>Recovery: \$600.00<br>(Per Hour, Per Truck)        |                                                            |
| <b><u>Storage</u></b>                          | <b><u>Fees Outside</u></b><br><b><u>(Not to Exceed)</u></b>         | <b><u>Fees Inside</u></b><br><b><u>(Not to Exceed)</u></b> |
| Light Duty                                     | \$45.00 per calendar day                                            | \$50.00 per calendar day                                   |
| Medium Duty                                    | \$90.00 per calendar day                                            | \$100.00 per calendar day                                  |
| Heavy Duty                                     | \$125.00 per calendar day                                           | \$200.00 per calendar day                                  |
| Road Service                                   | \$125.00 per call                                                   |                                                            |
| Decoupling Fee                                 | \$80.00 per call                                                    |                                                            |
| Tarp/ Wrapping Vehicle                         | \$65.00 per vehicle                                                 |                                                            |
| Labor Minor Clean-up and Disposal of Debris    | \$55.00 per hour plus absorbent materials                           |                                                            |

|  |      |
|--|------|
|  | used |
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| <u>Specialized Recovery Equipment</u>          | <u>Fees</u>        |
|------------------------------------------------|--------------------|
| Rotator/ Crane Recovery Unit                   | \$1200.00 per hour |
| Tractor With Landoll Trailer or Detach Trailer | \$450.00 per hour  |
| Tractor Transport Hauler Only                  | \$250.00 per hour  |
| Refrigerated Trailer w/ Tractor                | \$450.00 per hour  |
| Box Trailer w/ Tractor                         | \$400.00 per hour  |
| Air Cushion Unit                               | \$1000.00 per hour |
| Light Tower                                    | \$250.00 per hour  |
| Pallet Jack                                    | \$200.00 flat rate |
| Rollers                                        | \$200.00 flat rate |
| Any Other Specialized Equipment                | \$250.00 per hour  |

|                                                                                     |                                  |
|-------------------------------------------------------------------------------------|----------------------------------|
|                                                                                     |                                  |
| Loader/Backhoe/Telescopic Handler/ Bulldozer/Bobcat                                 | \$300.00 per hour each           |
| Forklift                                                                            | \$300.00 per hour                |
| Dump Truck/Dump Trailer w/ Tractor                                                  | \$350.00 per hour                |
| Roll-off w/ Container                                                               | \$350.00 per hour plus disposal  |
| Recovery Supervisor Vehicle                                                         | \$150.00 per hour                |
| Scene Safety Equipment, Communication Equipment, Traffic Management Equipment, etc. | \$250.00 per hour each type used |
| Recovery Support Vehicle/Trailer<br>Additional Recovery Equipment                   | \$350.00 per hour                |
| Specialized Recovery Fee (Extra man needed for a recovery)                          | 125.00 per man                   |

- b. A towing operator may not charge a service fee for towing and storage services that are not included in the schedule approved by the Township.
- c. A towing operator must accept all forms of payment, such as cash, check, debit card, charge card or credit card, for towing or storage services if the operator ordinarily accepts as payment at his place of business.
- d. A towing operator that engages in private property towing or other non-consensual towing shall calculate storage fees based upon the calendar day that the motor vehicle is in the storage facility. For example, if a motor vehicle is towed to a storage facility at 7:00 P.M. on one calendar day and the owner of the motor vehicle picks up

the motor vehicle on or before 7:00 P.M. the next **calendar day**, the towing operator shall charge the owner of the motor vehicle **for two calendar days of storage**.

A towing operator's bill for services shall include the time at which a towed motor vehicle was delivered to a towing company's storage facility, if applicable.

- f. **Municipal Storage Rates.** Storage fees to be charged to or on account of the Township for the storage of Township owned or operated vehicles shall not exceed those fees permitted by N.J.S.A. 40:48-2.50.

**Sec. 13A-11. Storage Facilities.**

- a. The towing operator providing municipal towing services must tow all vehicles to a storage facility that:
1. has a business office open to the public between 8 a.m. and 6 p.m. at least five (5) days a week, excluding holidays;
  2. has the ability to provide inside secured vehicular storage;
  3. has the ability to store a minimum of ten (10) vehicles;
  4. is safe and secured by a fence, wall or other man-made barrier that is at least six (6) feet high and a passive alarm system or a similar on-site security measure;
  5. if it is an outdoor storage facility, is lighted from dusk to dawn; and
  6. Is located within three (3) driving miles of any Township border.
- b. The towing operator shall provide reasonable accommodations for after-hours release of stored motor vehicles and may charge a release fee for releasing motor vehicles to their owners after normal business hours or on weekends. The fee shall not be in excess of \$100.00.

**Sec. 13A-12. Standards of Towing Operator Performance.**

All towing operators who have entered into contracts with the Township to provide municipal towing services shall be obligated to comply with the following duties and regulations:

- a. Remove and tow to the designated storage facility all vehicles directed by the Chief of Police to be removed and towed because such vehicles are in the Chief of Police's sole discretion designated as abandoned, illegally parked, disabled, involved in an accident, or to be impounded because of criminal or other investigation. At the sole discretion of the Chief of Police, taking into consideration safety concerns, the owner or operator of a disabled vehicle may be permitted to arrange for the vehicle to be towed by a towing operator of his/her choice.

- b. Store such vehicles and move such vehicles as directed by the Chief of Police. When not otherwise directed or required by the Chief of Police, the owner or operator of a disabled vehicle may request that the vehicle be towed to a location other than the designated storage facility. Upon direction of the Chief of Police, the towing operator shall not release a vehicle towed which is subject to a criminal investigation, an impoundment, including, without limitation, compliance with "John's Law," without a Vehicle Release Form or prior authorization by the Chief of Police.
- c. Provide 24 hours, seven day a week service to the Township during the term of the contract.
- d. Not utilize answering machines or answering services when on-call under the rotation list.
- e. Respond promptly to all requests for municipal towing services by the Chief of Police. In any event, the towing operator shall respond and be present at the location (all locations within the Township) for municipal towing services within [20 minutes of receipt of notice of same between the hours of 8:00 a.m. and 5:00 p.m. (hereinafter "daytime"), and within] 25 minutes of receipt of notice [between the hours of 5:01 p.m. and 7:59 a.m. (hereinafter "nighttime")]. If severe weather conditions or excessive traffic congestion prevents the towing operator from arriving within the aforementioned response times, the towing operator shall contact police communications and advise them of the reason for the delay. In the event a towing operator does not arrive at the tow location within 25 minutes [the above time periods] and fails, the police officer on the scene shall have the right to have a substitute towing operator called to the location who will have the right to perform the municipal towing services: and the originally called towing operator shall have no right to payment from any party.
- f. Not charge any fee for replacement of damaged or broken towing equipment incurred at the scene of the tow.
- g. Tow or perform road service to any and all disabled Township owned or operated vehicle upon request by the Chief of Police to a location within the Township. The towing operator will not charge the Township for the towing and/or recovery of Township owned passenger vehicles or pick-up trucks within two miles of the Township border to a location within the Township. All other towing of Township owned or operated vehicles shall be charged pursuant to Section 13A-10 at a 20% discount. Nothing herein shall limit the Township from utilizing the towing services provided for in any public bid contract.

- h. Clean up all broken glass and debris at the scene of accidents which shall include any fluids leaked onto the roadway (all towing operators must be equipped with a broom, shovel and speedy dry).
- i. Ensure that all drivers and operators of the towing operator must wear ANSI Class 2 reflective safety vests or clothing at all times when responding to a request by the Township.
- j. Furnish additional towing equipment and services during storm periods, periods of snow emergencies, traffic emergencies, natural or other disasters, any acts of God, and for any other reason when so designated by the Chief of Police. Such standby service shall begin and end when the Chief of Police notifies the towing operator. The Township reserves the right, during any such emergency, to designate temporary areas owned or leased by the Township and/or the towing operator for the storage of disabled vehicles, and to direct the towing operator to remove such disabled vehicles to said areas.
- k. Record all vehicles towed and/or stored and retain such records for a period of seven years. The Township shall, upon request, be provided with a copy of any and all records evidencing that a vehicle has been towed and/or stored by the towing operator. Such records shall include a report of all personal property found within a towed vehicle that can be observed by the towing operator at the time the vehicle came into the towing operator's possession, an accounting of all monies received for fees for towing, and a separate accounting of all monies received for fees for storage services pursuant to this Section. The Chief of Police shall have access upon demand, to any and all records required to be kept by this Section.
- l. The towing operator must comply with the provisions of N.J.S.A. 39:10A-1 through 39:10A-7 regarding the storage and proper disposition of stored vehicles.
- m. In all of the towing operator's dealings with the public, the towing operator shall act in a professional manner, courteous at all times, and respectful to members of the public, as well as representatives of the Township. Reports of discourteous behavior by the towing operator or his drivers that may be substantiated and documented, shall be considered by the Township as sufficient cause for revocation and termination of the towing operator's registration, and be considered as material default under any contract entered into with a towing operator pursuant to this Chapter. Any discrepancies with dispatching procedures shall be addressed with the Lawrence Township towing coordinators; the Investigation Division Commander or Administration Division Commander, Monday through Friday 7 00:am to 5:00 pm.

N. Tower shall notify Investigative Division designated contact person within (10) business days of taking possession of towed vehicle regarding subsequent towed vehicle if arrangements have not been made by the owner or the insurance company for the towed vehicle to be retrieved from the tow yard.

**Sec. 13A-13. Solicitation.**

No towing operator shall respond to the scene of an accident or emergency for the purposes of towing a vehicle unless specifically notified by the Chief of Police, or his/her designee, or the individual involved in the accident or emergency. All persons, towing operators, and owners of towing equipment are hereby prohibited from soliciting business at the scenes of accidents and emergencies within the Township.

**Sec. 13A-14. Complaint and Dispute Resolution.**

Any person having a dispute or complaint arising from a specific act of towing or storage of motor vehicles which is regulated by this Chapter shall present that complaint or dispute to the Chief of Police for resolution. The Chief of Police shall render his decision as to how the said complaint or dispute is to be resolved within ten (10) days of his conducting a hearing as to the same. Such hearing can be in person, by telephone or on written presentation at the election of the Chief of Police. In the event of an adverse decision against a registered towing operator, said registration may be revoked. Any appeal of the Chief of Police's decision may be appealed to the governing body of the Township.

**Sec. 13A-15. Response time; missed calls.**

- a. [A licensee under this chapter shall arrive at the scene of the accident as outlined in 13A-12e.] If the licensee fails to arrive at the scene of the towing request within the allotted time (as outlined in 13A-12e) three (3) times in a thirty (30) day period his license will be suspended for 7 days. Written notification will be given by the police department for each violation. There will be no refund of licensee fees for suspended licenses.
- b. If the licensee misses three calls within a thirty-day period, his license will be suspended for 30 days. Written notification will be given by the police department for each miss. There will be no refund of licensee fees for suspended licenses.

**Sec. 13A-16. Violations; Enforcement and Penalties.**

- a. This Chapter shall be enforced by the Lawrence Township Police Department or the Township Clerk.



- b. Any violation of the provisions of this Chapter, including the failure to register with the Township as required herein, shall subject such violator, upon issuance of a summons and conviction in municipal court, and at the court's discretion, to the fines and penalties set forth for each such violation.
  
- c. Any violation of the provisions of this Chapter may also subject the violator to a revocation or non-issuance of the contract with the Township. If a towing operator's contract is revoked pursuant to this provision, such towing operator is barred from re applying with the Township for the remaining portion of the current towing contract with the Township.
  
- d. In addition to any penalties or other remedies provided herein, the towing operator that has billed a person an amount in excess of the fee established in Section 13A-10 shall reimburse such person for the excess cost.

**Section 2.** If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

**Section 3.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Lawrence, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Lawrence are hereby ratified and confirmed, except where inconsistent with the terms hereof.

**Section 4.** This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law.

**Section 5.** This Ordinance shall take effect 20 days after adoption thereof.

**New Additions**

Adopted: March 2, 2021

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   |     |         |        |         |      |        |

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Mayor Kownacki read by title, an ordinance entitled, “AN ORDINANCE OF THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER AUTHORIZING THE SALE OF ALCAZAR AVENUE (BLOCK 2308, LOT 8 AND 16) AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF LAWRENCE, OWNED BY THE TOWNSHIP OF LAWRENCE, NOT NEEDED FOR PUBLIC USE PURSUANT TO NJSA 40A:12-1, ET SEQ.”

Ordinance No. 2383-21

AN ORDINANCE OF THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER AUTHORIZING THE SALE OF ALCAZAR AVENUE (BLOCK 2308, LOTS 8 AND 16) AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF LAWRENCE, OWNED BY THE TOWNSHIP OF LAWRENCE, NOT NEEDED FOR PUBLIC USE PURSUANT TO N.J.S.A. 40A:12-1, ET SEQ.

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by sale in the manner provided by law; and

WHEREAS, the Township of Lawrence is the owner of certain real property as further set forth herein not needed for public use, and the Township Council has determined that it is in the best interest of the Township to sell the same at public auction to generate revenue, and reduce taxes and liabilities.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lawrence, Mercer County, as follows:

Section 1. The properties listed below as shown on the Tax Map of the Township of Lawrence shall be offered for sale, pursuant to N.J.S.A. 40A:12-13, at public auction to the highest bidder. The public auction shall be held at the Township of Lawrence Municipal Building or such other place as shall be designated by the Township, at a date to be set by the Township Clerk and published in accordance with the law. The minimum bid for each property is also noted.

| Block | Lot | Location       | Minimum Bid |
|-------|-----|----------------|-------------|
| 2308  | 8   | Alcazar Avenue | \$65,000.00 |
| 2308  | 16  | Alcazar Avenue | \$50,000.00 |

Section 2. Notice of the public auction be published twice in a newspaper approved for legal publications, circulating within the Township, at least once a week during two consecutive weeks, one such publication not less than seven (7) days prior to such sale.

Section 3. The property sale shall be subject to the following terms:

- A. No representations of any kind are made by the Township of Lawrence as to the condition of the property, said property being sold in its present condition "AS IS, WHERE IS". Additionally, the Township makes no representation as to the presence or absence of wetlands or any other environmental conditions on the property.
- B. The Township shall issue a Quitclaim Deed mutually acceptable in form and substance to both parties.
- C. The purchaser, at its sole discretion, shall have a right to conduct inspections of the property with satisfactory results within thirty (30) days of bid acceptance.
- D. The purchaser shall obtain a survey of the entire tract, which survey shall be at the purchaser's sole expense, in form and substance satisfactory to both parties; and said survey shall be certified to the Township.
- E. The purchaser's receipt of title commitment with respect to the property, which said title commitment, shall be at the purchaser's sole expense, stating that the Township has good, indefeasible and insurable fee simple title to the property, free and clear of all liens and encumbrances, except such matters as may be acceptable to the purchaser.
- F. It is understood that the Township's sale of the property, and the purchaser's acquisition of the same, shall be subject to applicable New Jersey law concerning disposition of municipal real property.

Section 4. The sale is made subject to such state of facts as an accurate survey may disclose, existing tenancies, rights of persons in possession, easements, conditions, covenants and restrictions, and other encumbrances of title that the Township Council may impose on any parcel at the time of sale, including, but not limited to, restrictions on the use to be made of such real property, capital improvements, or personal property and any conditions of sale as to buildings or structures, or as to the type, size, or other specifications of buildings or structures, and the time within such conditions shall be operative, or any other conditions of sale in like manner to the same extent as by any other seller.

Section 5. The sale is made subject to all applicable laws, ordinances, resolutions, rules, and regulations of the State of New Jersey and the Township of Lawrence.

Section 6. Should the title to the property prove to be unmarketable for any reason, the liability of the Township shall be limited to the repayment to the purchaser of the deposit and any portion of the purchase price paid, and shall not extend to any further costs, expenses, damages, or claims. Notice of any alleged defect in title or claim must be served by the purchaser upon the Township Clerk, in writing, no later than thirty (30) days after the sale is approved by the Township Council, failure upon the part of the purchaser to give written notice within said time shall be deemed conclusive proof that the purchaser accepts the title in its present condition.

Section 7. In addition to the following terms and conditions, successful bidders agree that the Township may impose the following conditions:

- A. Bidders shall deposit, by way of cash, certified check, or money order, the amount of ten percent (10%) of minimum bid pursuant to N.J.S.A. 40A:12-13(d)] at the time the bid is submitted.
- B. The purchaser shall pay the following at the time of closing: (i) the balance of the purchase price; (ii) the cost of preparation of all legal documents including any special property description; and (iii) the prorated real estate taxes, utilities, water, and sewer for the balance of the current year as of the date of closing.
- C. The purchaser shall abide by all appropriate zoning, subdivision, site plan, health, and building regulations and codes, and shall agree and accept a stipulation that this sale will not be used as grounds to support any variance from these regulations.
- D. In the event the purchaser fails to close title, the purchaser shall forfeit to the Township any and all money deposited with the Township.
- E. The purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge to the existing assessment of the property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other properties.

Section 8. The Township reserves the right to withdraw the offer of sale, and reject any and all bids.

Section 9. All sales are subject to the final approval of the Township Council. Parties interested in submitting bids and who require additional information should contact:

James F. Parvesse, PE, CME  
Township Engineer  
Township of Lawrence  
2207 Lawrence Road  
Lawrence Township NJ 08648

Section 10. The Mayor, Township Manager, Township Clerk, and Township Attorney are hereby authorized to execute all documents necessary for the conduct of this public auction and for the conveyance of the property listed herein, including, but not limited to, executing all contracts, Deeds, and other conveyance documents.

Section 11. Severability. If any article, section or part of this ordinance shall be declared to be unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, no such determination shall be deemed to invalidate the remaining articles, sections or part of this ordinance.

Section 12. Repealer. All ordinances and all provisions thereof inconsistent with this ordinance or any part hereof are hereby repealed. Nothing in this ordinance is intended to limit inspections provided for by applicable ordinances that may be in addition to the inspection provided for herein.

Section 13. Effect. This ordinance shall take effect twenty (20) days after adoption.

Adopted: March 2, 2021

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   |     |         |        |         |      |        |

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Mayor Kownacki read by title, an ordinance entitled, "ORDINANCE PROVIDING FOR SIDEWALK IMPROVEMENTS IN AND BY THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$19,387.50 THEREOF AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF

Ordinance No. 2384-21

ORDINANCE PROVIDING FOR SIDEWALK IMPROVEMENTS IN AND BY THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$19,387.50; THEREFOR, AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF

WHEREAS, at the request of certain owners of properties identified herein, the Township of Lawrence has previously authorized and undertaken certain sidewalk improvements; and

WHEREAS, the understanding between the property owners and the Township was that these improvements would be specially assessed against the properties; and

WHEREAS, the Township now wishes to authorize the special assessment of the cost of such improvements;

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

Section 1. The improvement described in Section 3 of this ordinance is hereby authorized to be undertaken by the Township of Lawrence, New Jersey as a local improvement. For the improvement or purpose described in Section 2, there is hereby appropriated the sum of \$19,387.50.

Section 2. (a) The improvement hereby authorized is the improvement of the sidewalks, curbs, and driveway aprons along the streets listed below. The affected properties, listed by name of record owner, street address, block, lot and assessment amounts are as follows:

| <b>OWNER of RECORD</b>         | <b>BLOCK</b> | <b>LOT</b> | <b>PROPERTY ADDRESS</b> | <b>TOTAL</b> |
|--------------------------------|--------------|------------|-------------------------|--------------|
| Jing Xiang Yang & Kehua Liang  | 5201.02      | 8          | 5 Baker Street          | \$950.00     |
| Vijay & Renu Bhagwati          | 5201.03      | 6          | 8 Baker Street          | \$500.00     |
| Zafar Billah                   | 5201.07      | 36         | 59 Canal View Drive     | \$400.00     |
| Sui-Kee & Cindy Chen Mah       | 5201.07      | 39         | 65 Canal View Drive     | \$400.00     |
| Bernard & Jennifer Critelli    | 5201.09      | 30         | 78 Canal View Drive     | \$700.00     |
| Newade & Swati Mahesh          | 5201.09      | 13         | 100 Canal View Drive    | \$400.00     |
| Anton Lee & Amber Min          | 5201.08      | 7          | 107 Canal View Drive    | \$300.00     |
| Santosh & Harsha Harwalkar     | 5201.09      | 5          | 116 Canal View Drive    | \$300.00     |
| Anita Kakkar                   | 5301         | 9.16       | 9 Dayna Lane            | \$1,100.00   |
| William Nathan & Stella Antony | 6201.02      | 7.12       | 26 Dix Lane             | \$300.00     |
| William & Cassandra Cheng      | 5201.02      | 3          | 4 Flanigan Street       | \$300.00     |
| Anna Rose Gumabon              | 5201.01      | 27         | 13 Flanigan Street      | \$100.00     |

| <b>OWNER of RECORD</b>            | <b>BLOCK</b> | <b>LOT</b> | <b>PROPERTY ADDRESS</b> | <b>TOTAL</b> |
|-----------------------------------|--------------|------------|-------------------------|--------------|
| Anulfo & Xiomara Valdez           | 5201.01      | 29         | 15 Flanigan Street      | \$100.00     |
| Donald & Kathleen Labowicz        | 1608         | 18         | 123 Lakedale Drive      | \$500.00     |
| Kevin & Judith Nerwinski          | 3004         | 152        | 1800 Lawrence Road      | \$4,700.00   |
| Bach & Binh Tran                  | 5201.07      | 31         | 6 Marchesi Drive        | \$100.00     |
| Jitesh & Jipsa Patel              | 5201.09      | 3          | 6 Morrell Road          | \$550.00     |
| Margaret Fink                     | 6507         | 1          | 2 Overlook Way          | \$700.00     |
| Sean & Mary Beth Kelly            | 6201.03      | 7.13       | 3 Overlook Way          | \$200.00     |
| Salvatore & Robin Pastorella      | 6201.03      | 7.12       | 5 Overlook Way          | \$200.00     |
| Paul & Laurie Kaynes – East Trust | 6201.03      | 7.10       | 9 Overlook Way          | \$575.00     |
| Kenneth & Trina Weingarten        | 6201.03      | 7.09       | 11 Overlook Way         | \$500.00     |
| Ronald & Diane Gittleman          | 6201.03      | 7.08       | 13 Overlook Way         | \$600.00     |
| Steven Kosinski & Obeua Persons   | 6201.02      | 7.09       | 14 Overlook Way         | \$500.00     |
| Nicholas & Carrie Sutter          | 6201.02      | 7.10       | 16 Overlook Way         | \$300.00     |
| Robert & Irene Colton             | 6201.02      | 7.11       | 18 Overlook Way         | \$400.00     |
| Ajay & Seema Mehra                | 5201.01      | 4          | 1 Port Mercer Road      | \$200.00     |
| Homiar & Jaysheree Kalwachwala    | 5201.01      | 8          | 9 Port Mercer Road      | \$400.00     |
| Sandeep & Nalini Agarwal          | 5201.06      | 19         | 3 Richards Road         | \$225.00     |
| Shrisha & Meera Agarkhed          | 5201.06      | 18         | 5 Richards Road         | \$225.00     |
| Sandeep & Anita Aich              | 5201.06      | 16         | 9 Richards Road         | \$100.00     |
| Kunal Bakhtarwala & Navya Mudya   | 5201.06      | 6          | 27 Richards Road        | \$500.00     |
| Srinivasa Kiran Behara            | 5201.07      | 6          | 30 Richards Road        | \$287.50     |
| Joseph & Yvonne Johnson           | 2005         | 17         | 56 Texas Avenue         | \$175.00     |

|                                  |         |    |                           |          |
|----------------------------------|---------|----|---------------------------|----------|
| Deepak & Sonia Suri              | 5201.01 | 42 | 4 Vaccaro Road            | \$200.00 |
| Subhra & Sandhya Chakraborty     | 5201.01 | 41 | 6 Vaccaro Road            | \$200.00 |
| William & Mary Teresa Rodgers    | 5201.02 | 7  | 21 Vaccaro Road           | \$700.00 |
| Ganesh Subramaniam & Yijun Wu    | 5201.05 | 31 | 1 Yorkshire Village Road  | \$300.00 |
| Tharmarajah & Yasotha Rishindran | 5201.06 | 25 | 10 Yorkshire Village Road | \$200.00 |

(b) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

Section 3. The improvement described in Section 2 of this ordinance shall be undertaken as a sidewalk improvement and the cost thereof shall be assessed in the following manner. An accurate account of the cost of construction of the sidewalks shall be kept, and such cost shall be assessed upon the several properties fronting on the improvement in proportion to their respective frontage or square yardage thereon pursuant to and in accordance with N.J.S.A. 40:65-1 *et seq.*

Section 4. The owner of any land upon which any assessment for the local improvement shall have been made may pay such assessment in the number of equal yearly installments herein determined, with legal interest, currently six-percent (6%) on the unpaid balance of the assessment. The first of the installments shall be due and payable two months after the confirmation of the assessment, and each subsequent annual installment and interest shall be payable in each successive year thereafter at such time as the governing body shall by resolution determine, provided that any owner of land so assessed shall have the privilege of paying the whole of any assessment or of any balance of installments with accrued interest thereon at any time. Whenever any such installment shall remain unpaid for thirty (30) days from and after the time it shall become due and payable, the whole assessment or balance thereof shall become and be immediately due and payable and shall draw interest at the rate imposed upon the arrearage of taxes in the Township and shall be collected in the same manner as provided by law for other past due assessments. Such assessment shall remain a lien upon the land described herein until the assessment with all installments and accrued interest thereon shall be paid and satisfied. Notwithstanding anything herein to the contrary, the Township shall have the right to waive default as may be permitted by law.

Section 5. The following additional matters are hereby determined, declared, recited and stated:



(a) The improvement or purpose described in Section 3 of this ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a local improvement the cost of which shall be specially assessed in the manner provided herein.

(b) The number of annual installments within which the special assessments are to be levied on the lots and parcels of real estate affected by the improvement is thirty-nine (39).

(c) The Township will not contribute to the payment of any part of the cost of the improvement.

(d) The estimated maximum aggregate amount of the special assessments is \$19,387.50.

Adopted: March 2, 2021

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   |     |         |        |         |      |        |

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**Manager’s Report –**

Mr. Nerwinski submitted invoice listings for the month of March 2021 in the amount of \$1,441,922.50.

Mr. Nerwinski reported that he met with Greg Whitehead, Director of Public Works, Jim Parvesse, Municipal Engineer and Brian Caloiaro, Chief of Police, to discuss Princess Road. The Amazon Last Mile facility is progressing quickly and they anticipate opening operations sometime in June. As a result he would like to have temporary bollards in place at the second roundabout to stop through traffic from going in and there will be temporary bollards put in at the last facility on Princess Road and the entire strip of road will not be traveled upon. The measure will be temporary as he feels it is not appropriate for them to commit to a permanent situation at this time but instead of waiting for something to happen at The Gatherings he thinks it is more important for them to do this proactively and then assess what the impact would be later.

Mr. Nerwinski noted that Amazon indicated during their Planning Board presentation that they had already planned to go out one way onto Princeton Pike not Franklin Corner Road and that they have tracking devices for their team in all of the cars so they know exactly when and in what direction they are traveling. So, if someone was violating that protocol they would know and be able to address it. A general discussion took place relative to what that closed stretch of road could be used for - such as recreational activities, signage, the impact of travel and existing warehouses in that area and sending a Notice to the residents that live in The Gatherings that the plan is temporary.

Mr. Nerwinski advised after the discussion they made a decision to have a target date to execute the plan of May 1<sup>st</sup> that will include all the necessary safety steps involved to include more police enforcement to get people acclimated and more warning lights in that area to make sure everybody is compliant with the new rules. A general discussion ensued relative to what the closed stretch of road could be used such a recreational activities; the impact the opening of Amazon and existing warehouses will have on the residents who live in The Gatherings; Amazon having a good model in place to combat disturbances in that area, signage and implementing temporary safety measures versus permanent and revisiting the matter to analysis the impact of the plan.

Mr. Nerwinski further reported he is making good headway on the recruitment of the new Health Officer and he will have something to report in a few days that they will be happy the hear about.

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### **Attorney's Report –**

Mr. Roskos reported that he will be bringing a PILOT Agreement in connection to the Brandywine site for the Council and the site is in a condition where the purchaser can start construction; but the sale between the parties has been put on hold because the Fair Share Housing Plan has not been approved by the Court which to him is more of a contractual issue by the parties. But, the one thing that still remains to be done in connection with the Brandywine site is the Agreement which he will bring forth to them and what happens on that site afterwards is between Brandywine and the Contract Purchaser and he has expressed to the Court that Lawrence Township in no way, shape or form wants to hold that project up. They are ready to let that project commence.

Mr. Roskos further reported on the Ewing-Lawrence Sewage Authority (ELSA) litigation which he was told was resolved; but, is apparently unresolved. And advised it is a lawsuit brought on by Builders in Hopewell who all have Mt. Laurel projects and they are seeking to be included and have their residents sewer treated at the ELSA plant. So, the Builders and ELSA have been negotiating, together with the help of Judge Carchman, to try and resolve the matter which is still unresolved.

Mr. Roskos explained that Lawrence Township was asked to enter into a Formal Appearance or sign a Consent Order which he advised against being the Township is not ELSA and they do not run the sewer plant; therefore, in his opinion, it is an unreasonable request and he has expressed those feelings to the Township Manager. He is apprising the Council of this matter being he cannot represent the Township in this lawsuit due to a conflict of interest; but, he has recommended to the Manager that a separate Counsel be selected who is fully aware of the settlement and understands the settlement to serve in the Township's best interest. Additionally, he has spoken with the Builder's Attorney who has agreed to grant an extension of time to answer.

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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) –**

Mr. Safar Billah, 59 Canal View Drive, stated he lives in Yorkshire Village and stated he works for the State of New Jersey and he is an engineer by profession and as part of his job duties he reviews and approves engineering design drawings that are prepared by professional engineers who submit various permit applications to his office and his comments are regarding the sidewalk repair work project. He indicated when he initially saw the notification he was very interested and really appreciated the Township offering assistance to the residents and he participated in the program voluntarily; but, as the work progressed he was not happy about how it was conducted and how ill-planned that project was. So, for the record he would like to stress his opposition to the special assessment by the Township of Lawrence of the following reasons:

- 1.) The resident should not be held responsible for the repair of the sidewalks, if the damage was not due to normal wear and tear, settling or weather elements or other defects. In this case, the work was necessitated due to the growing roots of

the trees owned by the Township. Therefore, in his mind, it should be the responsibility of the Township to bear the cost of repair of the sidewalks.

- 2.) The recent work was not done to the satisfaction of the residents. Many residents in the neighborhood like him are not happy because the contractor did not address the root cause of the problem which was the growing tree roots. They did not touch the roots, they rather constructed a ramp-like sidewalk and in order to keep the slope to a minimum they ripped apart undamaged parts of the sidewalk to create a longer length and making the repair work expensive for the residents.

And the reason they provided for not cutting the roots which was apparently approved by the Township was that it might make the trees unstable. This reason is unacceptable to him, as an engineer, because it is not based on an engineering evaluation rather it is arbitrary and based on mere assumptions. As far as he knows and has researched the guided principle for not cutting the roots should be 25-percent rule which states if 25-percent of the tree roots are cut the trees should still survive and grow. And, in his mind...at least in his case, the one (1) root of the tree would not be greater than 5 percent of all the roots. So, he will not accept their reasoning as to why they did cut the roots to make the problem go away...the contractor did not try any incentives to cut the roots because that would cut into his profit.

The contractor was paid by the length of the repair so what he did instead he increased the length of the repair work by ripping apart perfectly okay slabs and not cutting the roots; because in order to cut the roots he had to employ extra labor and extra cost which would not give him any money because the length would have had to be reduced. And, the ramp-like repairs are now causing puddles and invited the Council to come to his residence to see where the puddles are located because they did not take care of the other parts of the existing slopes or other parts of the sidewalks. So, basically, where the interface is there is an impression and a little amount of rain makes a puddle which creates a danger to residents who are walking or kids that are playing on the sidewalks.

And, in his engineering judgement and research the proper way to address the problem, permanently, is to cut the root that is damaged, install a barrier material to prevent further growth, put a level of pea gravel under the new concrete allowing any root growth and future root growth to go underneath the slabs without damaging the slabs then they can install the new slabs and the new slabs in his mind should be like the previous slab before it was damaged; it should be leveled.

So, based on all of the above, he is requesting the honorable Councilmembers not to approve any new assessment order repair work to the residents rather make the contractor come back and redo the repair work as it should be properly done. The residents already pay a large amount of real estate tax and such a

repair cost should be budgeted for and paid from the tax as many municipalities have adopted Statement of Policy. So, again, his request to the Council is for this issue to be taken care of as part of the Township and do not charge the residents.

Mr. Nerwinski inquired if Mr. Billah had spoken with the Municipal Engineer relative to his concern. Mr. Billah replied Brenda Kraemer, Assistant Municipal Engineer, came out to review the problem and stated it was consistent with the Township policy. Subsequently, Mr. Nerwinski informed Mr. Billah that the forum which he is in is neither the time nor the place to do for a funding mechanism to resolve any issue with regard to the workmanship of the contractor. Each resident signs a contract for this work so funding this would be inappropriate to have all other taxpayers pay for sidewalk improvements for other residents' properties and proceeded to elaborate about Mr. Billah's profession as an engineer and him being entitled to his opinion regarding the work and the Sidewalk Improvement Program being a longstanding program that many people have benefited from and he invited Mr. Billah to reach out to him to continue the conversation. An additional exchange of dialogue took place relative to the ownership and responsibilities of the trees that are in the right-of-ways.

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Resolutions

Resolution Nos. 96-21 (18-C.1) through 109-21 (18-H.5) with the exception of Resolution Nos. 104-21 (18-B.1) and 105-21 (18-B.2) 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 Nos.104-21 (18-B.1) and 105-21 (18-B.2) was approved by the following roll call vote:

| COUNCIL        | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|----------------|-----|-----|---------|--------|---------|------|--------|
| Mr. Bobbitt    | X   |     |         |        |         |      | X      |
| Ms. Lewis      |     |     |         |        | 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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**Council Initiatives/Liaison Reports –**

There were no Liaison reports.

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**Written Communications –**

- A. Letter from Lawrence Campbell of Island Sports & Grill Regarding Hours of Operation - ( Matter discussed during the 5-minute public participation)
- B. Letter from Brian Slaugh resigning as Planning Consultant to the Planning Board - (No Discussion)
- C. Letter from Brian Slaugh resigning as Planning Consultant to the Zoning Board – (No Discussion)

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

8:21 p.m.

Respectfully submitted by,

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Kathleen S. Norcia, Municipal Clerk

Attest:

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James S. Kownacki, Mayor