

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

April 6, 2021

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, April 6, 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, April 6, 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, Lewis, Ryan and Mayor Kownacki.
Absent: Councilman Powers.

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

Special Proclamations, Recognitions and Presentations

Virtual Ribbon Cutting for the Senior Citizen Center Solar Project

Mr. Nerwinski advised that under this portion of the Agenda to comply with the grant funding requirements for the solar panel work performed at the Senior Center it is required that he read this item into record then Mayor Kownacki can do the virtual ribbon cutting. He then proceeded to read the following statement into record:

Lawrence Township was awarded a \$10,000 Sustainable Jersey grant funded by the Gardinier Environmental Fund to install a roof-mounted solar array at the Senior Citizen Center. The project is the capstone of the Township's efforts to advance to a more sustainable future with solar installations at various municipal facilities. The system is expected to generate about 6000 KW hours of electricity annually, which is intended to meet the needs of the center. The installation is now complete and the Township will begin to receive the benefits of renewable energy while again reducing our carbon footprint. In addition, the Township is eligible for Transition Incentives under the Transition Renewable Energy Certificate program. The Township will receive approximately \$600 annually for 15 years. With this virtual ribbon cutting, the Lawrence Senior Citizen Center goes solar!

Public Participation

There was no public participation.

Review and Revisions of Agenda

The Municipal Clerk requested that the Agenda be amended to include Resolution No. 140-21 (18-H.8), Authorizing an Amendment to the Approved Introduced 2021 Budget.

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

Same was carried on the following roll call vote:

Ayes: Councilmembers Bobbitt, Lewis, Ryan and Mayor Kownacki.
Absent: Councilman Powers.
Abstain: None

Adoption of Minutes

There was no adoption of Minutes.

Awarding or Rejecting of Bids

There was no award or rejection of bids.

Introduction of Ordinances

Mayor Kownacki read by title, an ordinance entitled, "AN ORDINANCE AMENDING CHAPTER 333 HOURS OF OPERATION OF BUSINESS AND COMMERCIAL ESTABLISHMENTS"

Mr. Nerwinski advised that Ordinance extends hours of operation of businesses and commercial establishments. The ordinance extends the hours of operations for businesses from 1:00 AM to 2:00 AM. It is done in response to a request by a business owner on behalf of others to help offset the losses sustained from the pandemic. And, after some discussion the Chief of Police was on board with trying the new hours in light of the pandemic to the give business owners a better opportunity to recover some of their losses.

The Ordinance No. 2387-21 was introduced and approved on the following roll call vote:

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

~~~

Mayor Kownacki read by title, an ordinance entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 2281-17 ESTABLISHING PROVISIONS GOVERNING SPECIAL DUTY ASSIGNMENTS FOR POLICE OFFICERS"

Mr. Nerwinski advised that Ordinance amends Ordinance 2281-17 establishing new pay rates, in particular, to third-party and holiday pay for special duty assignments for police officers as negotiated in the current bargaining agreement for Fraternal Order of Police and the Rank and File.

The Ordinance No. 2388-21 was introduced and approved on the following roll call vote:

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

~~~

Mayor Kownacki read by title, an ordinance entitled, "AN ORDINANCE AMENDING CHAPTER 156 'FEES' OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE"

Mr. Nerwinski advised that Ordinance amends Chapter 156 "Fees" of the Lawrence Township Code. The Ordinance establishes a fee to be charged to an OPRA requestor when the Township uses the services of an outside vendor for processing certain request.

The Ordinance No. 2389-21 was introduced and approved on the following roll call vote:

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

~~~

Mayor Kownacki read by title, an ordinance entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 2374-20 SALARY ORDINANCE OF THE TOWNSHIP OF LAWRENCE-UNCLASSIFIED AND/OR EXEMPT, SEASONAL, EMERGENCY (NON-UNION) EMPLOYEES FOR 2020-2021"

Mr. Nerwinski advised that the Ordinance amends Ordinance 2374-20 Salary Ordinance for certain non-union employees for 2020-2021. The Ordinance establishes the fee schedule (pay maximums) for Part-Time and Seasonal Employees to be in compliance with the Federal changes in part-time and seasonal employment hourly rates.

The Ordinance No. 2390-21 was introduced and approved on the following roll call vote:

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

~~~

Mayor Kownacki read by title, an ordinance entitled, "ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP TO ADD SECTION 409A, THE APARTMENT AND TOWNHOUSE 4 DISTRICT"

Mr. Nerwinski advised that the Ordinance supplements the Land Use Ordinance to revise Section 409 "Apartment and Townhouse 4 District" to include a property designated as Block 701, Lot 39 of the Tax Map on Spruce Street. A Developer is interested in developing the property previous designated as industrial into town house grouping and this zoning change allows for that to occur prior to their presentation to the Planning Board.

Mr. Roskos noted that there is a provision that needs to be amended in the Ordinance on this first reading Section E-8 (b) – Building with all apartments: 25 units should be 27 units. And advised it is an inclusionary site under the Township’s Housing Plan and the amended copy will be with the Municipal Clerk.

The Ordinance No. 2391-21 was introduced and approved (as amended) on the following roll call vote:

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

Adoption of Ordinances

Mayor Kownacki read by title, an ordinance entitled, "AN ORDINANCE TO VACATE, RELEASE AND EXTINGUISH ANY AND ALL DEDICATION OF PUBLIC RIGHTS IN OR TO A CERTAIN PORTION OF RIGHT OF WAY IN FRONT OF 20 TEXAS AVENUE AND AUTHORIZING THE SALE OF THE SAME IN THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, STATE OF NEW JERSEY"

Ordinance No. 2385-21

AN ORDINANCE TO VACATE, RELEASE AND EXTINGUISH ANY AND ALL DEDICATION OF PUBLIC RIGHTS IN OR TO A CERTAIN PORTION OF RIGHT OF WAY IN FRONT OF 20 TEXAS AVENUE, AND AUTHORIZING THE SALE OF THE SAME, IN THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, STATE OF NEW JERSEY

WHEREAS, Public Service Electric and Gas Company (PSE&G) received preliminary and final major site plan approval to demolish an existing substation and construct a new substation at 2525 Brunswick Avenue and 20 Texas Avenue, Block 2005, Lots 9 and 10, on the Lawrence Township Tax Maps; and

WHEREAS, the Township Council recognized that the public utility installation such as that proposed by PSE&G for its new substation is viewed as an inherently beneficial use for the Township community; and

WHEREAS, the existing substation was installed in 1958 and PSE&G will be replacing outdated equipment that has reached the end of its useful life to provide increased capacity for electrical service that will satisfy the demands of peak loads and be available for continued commercial and residential development in the Township; and

WHEREAS, PSE&G has requested that the Township vacate an unused portion of the public right-of-way in front of the property known as 20 Texas Avenue of approximately 10 feet wide and containing 1,662 square feet which will be utilized in connection with the substation project; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) authorizes a private sale of municipal property not needed for public use to a contiguous landowner if there is only one owner of contiguous property, the subject property is less than the size required for development under the prevailing zoning ordinance, and there are no capital improvements on the property; and

WHEREAS, per N.J.S.A. 40A:12-13(b)(5) the consideration must be fair market value; and

WHEREAS, PSE&G is the only owner of contiguous property, the 1,662 square feet portion of the right of way is less than the size required for development under the prevailing zoning ordinance, it contains no capital improvements, and it is not needed for public use; and

WHEREAS, the Township Municipal Assessor has evaluated the 1,662 square feet portion of the right of way and determined the market value to be \$33,200.00; and

WHEREAS, PSE&G has agreed to compensate the Township based on the market value of the 1,662 square feet portion of the right of way; and

WHEREAS, the Township Council of the Township of Lawrence has determined that the public interest will be best served by vacating this portion of said roadway releasing and extinguishing the public rights in and to such vacation and selling; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that:

- A. The 1,662 square feet portion of the right of way in front of the property known as 20 Texas Avenue is not needed for public use.
- B. Any and all public rights in the 1,662 square feet portion of the right of way in front of the property known as 20 Texas Avenue be and the same are hereby vacated, released and extinguished in and to all or any portion of the right-of-way as particularly described in Schedule A "Metes & Bounds Description 10' Wide Right-of-Way Vacation from the Township of Lawrence to PSE&G Company".
- C. The 1,662 square feet portion of the right of way in front of the property known as 20 Texas Avenue is less than the size required for development under the prevailing zoning ordinance, and there are no capital improvements on the property; and, 20 Texas Avenue, which is owned by PSE&G is the only contiguous landowner
- D. The sale of the 1,662 square feet portion of the right of way in front of the property known as 20 Texas Avenue to PSE&G for \$33,200.00 is authorized; and further, 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.
- E. Notwithstanding this Ordinance, and pursuant to N.J.S.A. 40:67-1(b), there is hereby reserved and excepted from said vacation all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any cable television franchise company as defined in the "Cable Television Act" P.L. 1972, c. 186 (N.J.S.A. 48:5A-1 et seq.), to maintain, repair or replace their existing facilities in, adjacent to, over or under any part thereof to be vacated.

Repealer

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

Severability

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

Notification

Immediately upon adoption of this ordinance and publication according to law, the Municipal Clerk shall file a copy of this ordinance with the accompanying Schedule A “Metes & Bounds Description” along with an affidavit of publication with the Mercer County Clerk as required by N.J.S.A. 40:67-21.

Effective Date

This ordinance shall take effect twenty (20) days after final adoption thereof and publication according to law.

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					X	
Ms. Lewis					X		
Mr. Powers				X			
Mr. Ryan	X						X
Mayor Kownacki	X						

~~~

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

Ordinance No. 2386–21

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER



WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey finds it advisable and necessary to apply in its CY 2020 budget a CAP rate of 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Council hereby determines that a 3.5% CAP rate in the budget for said year, amounting to \$932,783.89 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey by a majority of the full authorized membership of this governing body affirmatively concurring that, in the CY 2021 budget year, the final appropriations of the Township of Lawrence shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, have applied a CAP rate of 3.5%, amounting to \$932,783.89 and that the CY 2021 municipal budget for the Township of Lawrence be approved and adopted in accordance with this ordinance;

BE IT FURTHER ORDAINED that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within five days of introduction; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within five days after such adoption.

The Ordinance was adopted after the public hearing thereon, on the following roll call vote:

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

---

**Manager’s Report –**

Mr. Nerwinski reported that two Lawrence Township Police Officers have been promoted. Detective Matthew Grossi was promoted to Sergeant provisionally and Sergeant Michael Whitmore have been promoted from Sergeant to Lieutenant of the Police Department both really good officers who serve Lawrence and Police Department well and he wishes them the best of luck in their new titles.

Mr. Nerwinski further reported that a soft opening of the Township’s new website was done and there are things they need to tweak along the way but overall, personally, he is pretty satisfied with it as it seems like it’s very easy to navigate. He also indicated a lot of people stepped up outside of their comfort zone to get this website done after the former IT person’s employment was terminated and the other person they thought they could rely on was unavailable to the Township. So, a group of individuals stepped up to help get the new website to this point, in particular, Yvette Martinette in Manager’s Office and Kendra Johnson in the Tax Assessor’s Office. It was a group effort and hopefully come next budget period they will be able to push their social media presence along and have some more professional assistance along the way.

---

**Attorney’s Report –**

There was no Attorney’s report.

---

**Clerk’s Report –**

There was Clerk’s report.

---

**Unfinished Business –**

There was no unfinished business.

---

**New Business –**

There was no new business.

---

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

There was no public participation.

---

**Resolutions**

Mr. Nerwinski stated that he was instructed by Peter Kiriakatis, CFO, that Resolution 140-21 (18-H.8), Resolution Authorizing Amendments to the Approved Budget of 2021, which was added to the agenda tonight needs to be read aloud and briefly explained, after which he read the resolution and explained that there is a list of items; but, primarily, the difference is the estimated fees for Police Fees Impound that was estimated at \$25,000 and is less than that at \$20,000. So, they made that \$5,000 adjustment.

Mr. Roskos stated he would like make a comment regarding Resolution 132-21 (18-H.5), Authorizing the Mayor to Sign Grant of Trail Easement Agreement Per Planning Board Resolution 21-20, and indicated he has not had a chance to review that Agreement and the provision that troubles him is the Indemnification provisions where the town is agreeing to indemnify the grantor and asked if it is necessary to act on this resolution tonight or can they hold it. After a brief exchange of dialogue between Mr. Nerwinski and Mr. Roskos, Mr. Nerwinski suggested because of possible timeline issues that the Resolution be conditionally approved pending Mr. Roskos satisfactory review and approval. Mr. Roskos agreed.

Resolution Nos. 125-21 (18-B.1) through 123-21 (18-H.7) was approved with the exception of Resolution 132-21 (18-H.5) by the following roll call vote:

| COUNCIL        | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|----------------|-----|-----|---------|--------|---------|------|--------|
| Mr. Bobbitt    | X   |     |         |        |         |      | X      |
| Ms. Lewis      | X   |     |         |        |         | X    |        |
| Mr. Powers     |     |     |         | 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.124-21 (18-H.8), Amendment to Approved 2021 Budget was approved by the following roll call vote:

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

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

~~~

Resolution Nos.132-21 (18-H.5), Grant of Trail Easement Agreement was (conditionally) approved for reason set forth by the Municipal Attorney by the following roll call vote:

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

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

---

**Council Initiatives/Liaison Reports –**

There were no Liaison reports.

---

**Written Communications –**

There was no written communication.

---

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

6:49 p.m.

Respectfully submitted by,

\_\_\_\_\_  
Kathleen S. Norcia, Municipal Clerk

Attest:

\_\_\_\_\_  
James S. Kownacki, Mayor