

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 20, 2021

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, April 20, 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 20, 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, Powers, 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.

Special Proclamations, Recognitions and Presentations

Proclamation Declaring April 30, 2021 as Arbor Day in the Township of Lawrence

Mayor Kownacki stated they have the following Proclamation in honor of Arbor Day and proceeded to read the following into record:

Proclamation

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our Township increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and

NOW, THEREFORE, I, James S. Kownacki, Mayor of the Township of Lawrence, do hereby proclaim April 30, 2021 as

Arbor Day

in the Township of Lawrence and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands.

Dated: April 20, 2021

James S. Kownacki, Mayor

Attest: _____
Kathleen S. Norcia, Municipal Clerk

Public Participation

There was no public participation.

Review and Revisions of Agenda

The Municipal Clerk requested that the Agenda be amended to remove Resolution 151-21 (9-B), Authorizing a Contract for the Rehabilitation of 44 Catbird Court and Item 16 – New Business, Appointment of Edward Tencza as Deputy Municipal Emergency Management Coordinator for Two-Year Period from April 20, 2021 to April 2023, and include Resolution No. 158-21 (18-H.5), Authorizing Alan DiSciullo Appointment to the Growth & Redevelopment Committee and Resolution 159-21 (18-H.6), Authorizing a Tax Abatement Resolution.

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

Same was carried on the following roll call vote:

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

Adoption of Minutes

There was no adoption of Minutes.

Awarding or Rejecting of Bids

On a motion by Ms. Lewis, seconded by Mr. Powers, Resolution (9-A), Authorizing a Contract for the Rehabilitation of 75 Manitee Avenue, was presented for adoption.

Resolution No. 150-21

WHEREAS, on February 12, 2021, bids were received and publically opened for the rehabilitation of 75 Manitee Avenue; and

WHEREAS, three (3) bids were received and reviewed by the appropriate Township Officials; and

WHEREAS, the lowest responsible bidder was Unlimited Builders Construction, LLC who submitted a bid in the amount of \$20,350.00 to perform the tasks required in the rehabilitation; and

WHEREAS, in accordance with N.J.A.C. 5:50-14, a Certificate of Availability of Funds has been provided and the account to be charged is 1-19-56-853-299 (Lawrence Township Unit Rehabilitation); and

WHEREAS, Unlimited Builders Construction, LLC has performed satisfactorily;

WHEREAS, the owners of 75 Manitee Avenue, Robert and Diane Porter have been deemed eligible to participate in the rehabilitation program;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that pursuant to the recommendations of the Municipal Manager, the Mayor and the Municipal Clerk hereby authorize the acceptance of the bid and the execution of a contract with Unlimited builders Construction, LLC, P. O. Box 9029, Hamilton NJ 08650 for the purposes of rehabilitating 75 Manitee Avenue;

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

Same was carried on the following roll call vote:

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

On a motion by Ms. Lewis, seconded by Mr. Powers, Resolution (9-B), Authorizing a Contract for the Rehabilitation of 44 Catbird Court, was presented for adoption.

(REMOVED FROM AGENDA - CONTRACTOR BACKED OUT)

Introduction of Ordinances

Mayor Kownacki read by title, an ordinance entitled, “AN ORDINANCE AMENDING THE ADMINISTRATIVE CODE OF THE TOWNSHIP OF LAWRENCE ‘ARTICLE V, PERSONNEL’ TO INCLUDE AN ANTI-NEOPTISM POLICY”

(TABLED FOR FURTHER REVIEW)

The Ordinance No. 2392-21 was tabled on the following roll call vote:

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

Adoption of Ordinances

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

Ordinance No. 2387-21

AN ORDINANCE AMENDING CHAPTER 333 HOURS OF OPERATION FOR BUSINESSES AND COMMERCIAL ESTABLISHMENTS

BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey that Chapter 333 ‘Hours of Operation for Businesses and Commercial Establishments’ be and is hereby amended as follows:

333.1 – Hours of Operation

No business or commercial establishment to which the public is invited, defined either as a “permitted use”, “accessory use”, or “special exception use” within the “neighborhood business”, “limited business”, “general commercial”, or “highway development” districts set forth in the Township of Lawrence Zoning Ordinance, as amended, or as may hereafter be amended or supplemented, or any nonconforming such use or variance permitting such use, located within such districts, or in any other zoning district, shall be opened to the public or conduct any such business, operations or activities in any manner before 5:00 a.m. on any day after [midnight on the same day on Mondays through Thursdays, or after 1:00 a.m. on Fridays through Sundays and legal holidays] 2:00 a.m. on the next succeeding day. Except with respect to security lighting, all exterior and window electrical lighting or illumination, whether temporary or

permanent, for each such business or commercial establishment shall be extinguished at the closing time thereof, as established herein.

Adopted: April 20, 2021

Addition in Brackets []

Deletions Underlined _____

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 AMENDING ORDINANCE NO. 2281-17 ESTABLISHING PROVISIONS GOVERNING SPECIAL DUTY ASSIGNMENTS FOR POLICE OFFICERS"

Ordinance No. 2388-21

AN ORDINANCE AMENDING ORDINANCE NO. 2281-17 ESTABLISHING PROVISIONS GOVERNING SPECIAL DUTY ASSIGNMENTS FOR POLICE OFFICERS

Section I

Section 2-65 Manual of Police Discipline, Practices, etc.

- A. Subject to the approval
- B. Special duty assignments for police officers are governed as follows:
  - 1. Purpose
    - For the convenience of those persons and entities which utilize the services of off-duty police officers and to authorize the special duty employment of Township police while off-duty, the Township hereby establishes a policy regarding the use of said officers.
    - a. Sworn officers of the Police Department shall be permitted to accept police related employment for private employers only during off-duty hours and at such times as will not interfere with

the efficient performance of regularly scheduled or emergency duty for the Township.

- b. Any person or entity wishing to employ a special duty police officer shall first obtain the approval of the Chief of Police (or designee), which approval shall be granted if in the opinion of the Chief, such employment would not be inconsistent with the efficient functioning and good reputation of the Police Department and would not unreasonably endanger or threaten the safety of the employee or employees who are to perform the work

2. Administration by a 3<sup>rd</sup> Party Police Special Duty Detail Management System Company

When the Township contracts with a 3<sup>rd</sup> Party Police Special Duty Detail Management System Company, Section 1. (3), Section 1. (4) and Section 1.(11) is deferred until the 3<sup>rd</sup> Party Police Special Duty Detail Management System Company has expired or is terminated. Payments for Police Special Duty Detail will be made pursuant to the contract in force.

3. Escrow Accounts

- a. Any person or entity requesting the services of a special duty police officer shall estimate the number of hours such services are required, which estimate shall be approved by the Chief of Police, and shall establish an escrow account with the Chief Financial Officer of the Township by depositing an amount sufficient to cover the rates of Compensation and administrative fees set forth in Subsection 8 for the total estimated hours of service.
- b. Prior to posting any request for services of special duty police officers the Chief of Police or his designee shall verify that the balance in the escrow account of the person or entity requesting services is sufficient to cover the compensation and fees for the number of hours specified in the request for services. The Chief of Police shall not post nor offer a request for services from any person or entity unless all fees and compensation required in the manner described above have been deposited with the Chief Financial Officer. No officer shall provide any services for more hours than are specified in the request for services.

- c. In the event the funds in said escrow account become depleted, services of off-duty employees shall cease and requests for further or future services shall not be performed or posted until additional funds have been deposited in the escrow account in the manner prescribed above.
- d. The person or entity requesting such services shall be responsible for ensuring that sufficient funds remain in the escrow account in order to avoid any interruption of services.
- e. Failure to pay. In the event the person or entity contracting for such services should fail to pay any balance due for services performed by the members of the Lawrence Township Police Department, such failure shall be deemed a violation of this Ordinance and subject the person or entity to the violations and penalties set forth below.
- f. Exemption. All public utility companies that are under the jurisdiction of and regulated by the New Jersey Board of Public Utilities are exempt from the provisions set forth in this section requiring advance payment to the escrow account, provided however, that there are no amounts previously due that are outstanding prior to any officer engaging in any further special duty assignments.
- g. The Township may choose to utilize a secondary service to administrate and perform the above actions related to the special duty employment process. These actions include but are not limited to: communicating with said person or company to schedule extra duty assignments; scheduling and the officers for said assignments; invoicing person or entity and receiving escrow and/or payments from person or entity in a manner set forth by the secondary service provider. The secondary service provider may charge an additional fee for services that are above and in addition to the fee structure stated above and utilizes business type collection rules as set forth in the contract/agreement between the Township and the secondary service provider.
- h. The secondary service provider will reimburse the Township via ACH or other funds transfer methods, according to the fees set forth in this Ordinance, due to the Township and Officer, in a timely manner, usually coinciding with payroll periods for the special duty assignment that the officers have performed or were scheduled for in that period, in accordance with the above listed rules of employment between the Township and person(s) or entity seeking services.



4. Requests for Service

All requests to the Township for the services of special duty police officers shall be forwarded to the Chief of Police or the secondary service provider for posting at least ten (10) days prior to the date that such services are required. Any employee assigned and working pursuant to this regulation shall be treated as an on-duty employee of the Township with the exception that wages earned for outside employment shall not be applied toward pension benefits, shall not be considered overtime and shall be paid at a rate of pay as described in Subsection 9.

- a. The Chief of Police will be responsible for scheduling employees who will be assigned to special duty work as described herein.
- b. The Chief of Police may establish a limit on assignments per officer to ensure that special duty work does not impair an officer's ability to perform during regularly-scheduled tours of duty.
- c. The Chief of Police shall determine if a Township vehicle is required for the special duty assignment and shall assign a vehicle in such cases as he deems necessary. A vehicle fee will be charged to the person or entity for the use of such vehicle (d). The vehicle fee will be charged at a rate as described in Subsection 9. No administrative fee will be added to the hourly vehicle rate.
- d. All police services within the Township shall be delivered by officers from the Lawrence Township Police Department. If the Chief of Police determines that the demand cannot be met by the Lawrence Township Police Department he may request additional law enforcement officers from outside agencies.

5. Special Duty Assignments Voluntary

The work to be performed shall be considered a special duty assignment from independent contractors and will not be considered a direct assignment. The taking of any special duty assignments shall be on a voluntary basis in accordance with a fair and reasonable system established and administered by the Chief of Police or the contracted 3<sup>rd</sup> Party Police Special Duty Detail

Management System Company. Any employee of the Township assigned and working pursuant to this regulation shall be treated as an on-duty employee of the Township with the exception that wages earned for outside employment shall not be applied toward pension benefits, shall not be considered overtime and shall be paid at a rate of pay as described in Subsection 9.

The Township reserves the right to assign an on-duty employee to fill a special duty assignment that cannot be filled in such cases where the Chief of Police deems such action to be in the best interest of the Township. In such cases, the Township shall first have posted such assignment without attaining a qualified employee. Should an employee be assigned on-duty, the employee shall receive his/her regular rate of compensation for the assignment. The Township shall retain the right to bill for such an assignment.

6. Cancellation of Assignment

If an outside employment is canceled within twenty-four (24) hours, the officer will be paid a four (4) hour minimum at the appropriate rate.

7. Chief's Order to Vacate Assignment

The Chief of Police has the authority to order any employee to vacate or terminate any special duty assignment in response to emergency situations or whenever the assignment creates an unacceptable risk to health, safety and/or welfare of the employee and/or the public in the sole determination and discretion of the Chief of Police. The contractor shall not be responsible for any compensation for the time that the employee is away from the special duty assignment and shall have no claim for costs or damages against the Township, the Chief of Police or the employee arising from the termination of special duty assignment other than the prorated return of any costs prepaid to the Township.

8. Township to Provide Insurance Coverage

The Township shall be responsible to provide all necessary insurance coverage, as required by law, including, but not limited to, workers' compensation, public liability, and claims for damage, for personal injury including death or damage to property which may arise as a result of the Township's performance under the contract. The Township may, however, discipline or remove any employee from eligibility for special duty assignments if, in the opinion of the Chief of Police, his/her job performance or actions

place the Township in a position that may result in a claim for liability.

- 9. Rates of Compensation; Administrative Fee; Payment for Services  
Rate of compensation for contracting the services of special duty police officers shall be established as described herein:

Rates of Compensation; Administrative Fee; Payment for Services (hourly rates)

|                                                           |          |
|-----------------------------------------------------------|----------|
| School                                                    | \$50.00  |
| Non-Profit                                                | \$50.00  |
| Ewing Lawrence Sewerage Authority (ELSA)                  | \$50.00  |
| 3 <sup>rd</sup> Party/Traffic                             | \$85.00  |
| Holiday (observed)/Sunday (3 <sup>rd</sup> Party/Traffic) | \$100.00 |
| Emergency (less than 24-hour notice)                      | \$100.00 |
| Marked Patrol Vehicle                                     | \$28.00  |
| Administrative Fee Per Officer Hour                       | \$5.00   |

- 10. Length of Assignment

The minimum payment for any assignment shall be four (4) hours at the appropriate rate described above.

- 11. Emergent Circumstances

Nothing contained herein shall prohibit special duty assignments where emergent conditions make compliance with one or more provision of this Ordinance infeasible.

- a. Where emergent circumstances result in a request for a special duty assignment, the Chief Financial Officer may waive the requirement of an escrow deposit as provided for in Section 1. Paragraph B. 2 'Administration by a 3<sup>rd</sup> Party Police Special Duty Detail Management System Company' and Section 1 paragraph B.3.a 'Escrow Accounts'.
- b. In emergent circumstances the Chief of Police may authorize a special assignment with less than the ten (10) day posting requirement provided for in paragraph B.4 'Requests for Service'.
- c. In emergent circumstances where a special duty assignment is requested within 48 hours; but, more than 4 hours of the special duty assignment an additional cost of \$10.00 per hour will be added to the officer's rate. Requests within 4 hour of the special duty assignment an additional cost of

\$25.00 per hour will be added to the officer’s rate. The additional cost will assist in obtaining coverage during the late or emergent request for police services.

12. Violations and Penalties

Unless another penalty is provided by New Jersey Statute, every person, entity, contractor or utility convicted of a violation of a provision of this Chapter shall be subject to a fine of not less than \$250 or more than \$1,000. This fine is in addition to any outstanding funds owed to the Township or secondary service provider regarding services performed by the Lawrence Township Police Department.

Section II. Repealer

This Ordinance repeals and replaces Ordinance No. 2281-17 in its entirety as well as all ordinances or parts of same that are inconsistent with any provisions of this Ordinance.

Section III. Severability

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

Section IV. Effective Date

This Ordinance shall take effect twenty (20) days after adoption thereof.

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 AMENDING CHAPTER 156 ‘FEES’ OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE”

Ordinance No. 2389-21

AN ORDINANCE AMENDING CHAPTER 156 'FEES' OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE

WHEREAS, the Township of Lawrence occasionally receives OPRA requests for records that are processed and maintained by an outside vendor or vendors; and

WHEREAS, the applicable vendor at times charges the Township for the processing of these records requests; and

WHEREAS, as the fee or fees charged can vary due to the nature of the OPRA request that has been submitted to the Township thereby making it impossible to set an exact fee; and

WHEREAS, it is not fiscally responsible for the Township of Lawrence to provide this service at no cost to the requestor thereby causing said fee to be passed to the taxpayers of the Township.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that said fee be charged to the requestor and must be submitted to the Township prior to the records request being submitted to the outside vendor for processing.

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 AMENDING ORDINANCE NO. 2374-20 SALARY ORDINANCE OF THE TOWNSHIP OF LAWRENCE-UNCLASSIFIED AND/OR EXEMPT, SEASONAL, EMERGENCY (NON-UNION) EMPLOYEES FOR 2020-2021"

Ordinance No. 2390-21

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

BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, as follows:

Section I. Short Title

This ordinance shall be known and may be recited as “The Salary Ordinance of the Township of Lawrence – Unclassified and/or Exempt, Seasonal, Emergency (non-union) Employees for 2020-2021.”

Section II. Salaried Employees

The attached list of salaried positions and job titles, Schedule A and Schedule B, are hereby authorized and assigned the appropriate salary ranges for 2020-2021 and are determined by date of hire as an employee of Lawrence Township.

This ordinance will continue the Township’s consistent policy of providing comparable fringe benefits to exempt employees during their active service as that provided to Supervisors, CWA Local 1032, through their collective bargaining agreement. The Township will still maintain the flexibility of granting retiree benefits to exempt employees hired after January 1, 2011. Accordingly, employees covered by this ordinance that are eligible for health and/or prescription benefits shall contribute to the cost of the said health benefit premium for medical and prescription coverage as required by law, specifically Chapter 78, P.L. 2011. All employees hired on or after January 1, 2014 shall contribute based upon the year four rates specified by said law and to be made an Appendix to a successor Agreement.

Section III. Part-Time or Seasonal Employees

The following part-time or seasonal positions and job titles are hereby authorized and assigned the following pay maximums commencing January 1, 2020 and January 1, 2021:

Position of Job Title	Basis	2020	2021
Armed Court Attendant	Hourly	\$26.05	\$26.57
Emergency Medical Technician	Hourly	\$23.05	\$23.51
Firefighter	Hourly	\$18.89	\$19.27
Laborer (Seasonal)	Hourly	\$12.75	\$13.01
Life Guard	Hourly	Federal Minimum Wage up to \$16.19	Federal Minimum Wage up to
Recreation Aid	Hourly	Federal Minimum Wage up to \$36.45	Federal Minimum Wage up to
Recycling Coordinator	Per Annum	\$8,576	\$8,748
Municipal Alliance Grant Coordinator	Per Annum	\$2,550	\$2,601
Fire Crew Coordinator	Per Annum	\$4,415	\$4,503
School Traffic Guard	Hourly	\$18.11	\$18.47

Secretary/Board & Committee	Per Annum*	\$1,800.00	\$1,800.00
Tax Search Officer	Per Annum	\$12,024	\$12,264
Zoning Officer	Per Annum	\$5,594	\$5,706
Affordable Housing Liaison	Per Annum	5,000	\$6,000
Affordable Housing Resale	Per Showing	\$100	\$100
Fire Department Liaison	Hourly	\$25.00	\$25.00
Deputy Registrar Vital Statistics	Per Annum	\$2,500	\$2,500
Municipal Court Attendee	Hourly	\$23.37	\$23.84
SLEO Class III	Hourly	\$28.50	\$29.07
Park Attendant	Hourly	\$15.56	\$15.87
Emergency Response Specialist Coordinator	Monthly		\$5,000
All Others	Hourly	Federal Minimum Wage up to Step1 In Applicable Job Title	Federal Minimum Wage up to Step1 In Applicable Job Title

* Denotes title paid monthly. All other titles bi-weekly.

Section IV. Eligibility

The ranges in Section II of this ordinance shall pertain to individuals employed by the Township of Lawrence on or after the effective date of this ordinance.

Section V. Longevity

- A. Each employee hired before January 1, 2013 and covered by this agreement shall in addition to his/her regular wages and benefits, be paid longevity based upon years of service as of December 31, 2013 with the Township in accordance with the following amounts. Said amounts to be paid to an employee shall not be adjusted beyond the longevity amount being received by an eligible employee as of December 31, 2013. Longevity shall be pensionable and included as part of the employee’s regular pay. Any employee hired on or after January 1, 2014 shall not be eligible to receive longevity pay at any time in the future.

Length of Service

Beginning in year 8 through year 11	\$ 800
Beginning the 12 th year through year 15	\$1,100
Beginning the 16 th year through year 19	\$1,400
Beginning the 20 th year through year 23	\$1,700
Beginning the 24 th year through year 27	\$2,000
Beginning the 28 th year and beyond	\$2,300

Section VI. Other Personnel and Working Conditions

All other functions, responsibilities and rights not specifically enumerated in prior sections of this ordinance shall be judged to be within the province of management, subject only to the laws, rules and regulations of the New Jersey Department of Personnel, the provisions contained in applicable agreements (if any) or policy manuals, and by the issuance of Administrative Directives by the Municipal Manager.

Section VII. Repealer

All other ordinances or parts of ordinances adopted prior to the date of this ordinance that are inconsistent with the provisions of this ordinance, are hereby repealed insofar as they relate to or concern the job classifications, salaries and benefits listed in this ordinance.

Section VIII. Severability

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

Section IX. Effective Date

- A. This ordinance shall take effect immediately upon adoption.
- B. All salary or compensation provided for and by this ordinance shall be effective the first day of January.

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 AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP TO ADD SECTION 409A, THE APARTMENT AND TOWNHOUSE 4 DISTRICT"



**Ordinance No. 2391-21**

**ORDINANCE SUPPLEMENTING THE  
LAND USE ORDINANCE  
OF THE TOWNSHIP OF LAWRENCE  
TO ADD SECTION 409A, THE APARTMENT AND  
TOWNHOUSE 4 DISTRICT**

WHEREAS, the Township Council of the Township of Lawrence (“Township Council”), a municipal corporation in the County of Mercer, State of New Jersey, finds that the public health, safety, morals, and general welfare of the community shall be promoted by the revision and amendment of the Land Use Ordinance (“LUO”) of the Township to implement the Housing Element and Fair Share Plan of the municipality; and

WHEREAS, the Planning Board of the Township of Lawrence has adopted a Master Plan that comprehensively provides a foundation for the appropriate use, regulation and development of lands for affordable housing in the Township in a manner which will promote the public health, safety, morals, and general welfare; and

WHEREAS, the Municipal Land Use Law at *N.J.S.A. 40:55D-62a* requires substantial consistency of the provisions regulating zoning and land use with the adopted Master Plan; and

WHEREAS, the Planning Board has determined that the revisions and amendments to the Land Use Ordinance set forth herein are consistent with the goals and objectives of the Master Plan and more specifically the Housing Element to complete the necessary steps to obtain an amended Judgment of Repose from the Court and therefore favorably recommends to the Township Council that Section 409A of the LUO be so amended.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Lawrence that the Land Use Ordinance be hereby amended as follows:

**Section 1.** §409A, Apartment and Townhouse 4 District (“AT-4”), shall be added to the LUO as follows:

**§ 409A      Apartment and Townhouse 4 Residential District (AT-4).**

- A. Purpose. The Apartment and Townhouse 4 residential zone (AT-4) is intended to provide for dwellings in a garden apartment, multi-story or townhouse configuration at moderate multi-family densities. The AT-4 residential zone shall be applicable to the property identified as Block 701, Lot 39 on the Lawrence Township Tax Maps.
  
- B. Permitted Uses. In the AT-4 zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:
  - 1. Apartments.
  - 2. Townhouses.
  - 3. Common open space.
  - 4. Conservation.
  - 5. Municipal use.
  
- C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a principal use and conforming to the applicable subsection in §428:
  - 1. Home occupation.
  - 2. Community center for the common use of residents.
  - 3. Community swimming pool for the common use of residents.
  - 4. Private residential tool shed on fee simple lots, only, not exceeding 108 square feet.
  - 5. Outdoor recreational facilities, including tennis or other court sports.
  - 6. Off-street parking and private garages.
  - 7. Decks and above ground private swimming pools for fee simple townhouses.
  - 8. Fences, walls, gazebos, mail kiosks and other street furniture.
  - 9. Signs.
  - 10. Satellite dish and television antennae.
  - 11. Maintenance building.
  - 12. Accessory uses customarily incidental to a principal use.
  
- D. Required Use. A minimum of twenty-two (22) family rental units in the AT-4 development shall be affordable to households of low and moderate income pursuant to Article X of this Ordinance and the terms of the municipal developer's agreement, provided the developer's agreement is approved by the Superior Court of New Jersey following a duly noticed fairness hearing under the Mount Laurel doctrine.
  
- E. General District Regulations. In the AT-4 district, the following general regulations shall apply:
  - 1. Minimum gross acreage of tract: 7 acres

- 2. Minimum buildable land area of tract: 4 acres
- 3. Maximum gross density: 18 units per acre
- 4. Minimum open space: 30% of total tract area
- 5. Minimum tract frontage on a public or private right-of-way: 40 feet
- 6. Building setback from tract perimeter: 50 feet from any tract boundary
- 7. Parking area or internal driveway or street setback (excluding entrances and exits) from tract perimeter: 25 feet
- 8. Maximum number of dwelling units in one building:
  - a. Building with all townhouses: 8 units
  - b. Building with all apartments: 27 units
  - c. Building with both dwelling types: 16 units
- 9. Minimum distance between buildings:
  - a. From the front or back of any building to any other building: 50 feet
  - b. From the side of any building to any other building: 20 feet
  - c. From any common parking area to a building: 5 feet
  - d. The Planning or Zoning Board, after due consideration of plans, testimony, or other evidence, may waive strict compliance with this subsection to further the architectural relationship of building groups.
- 10. Maximum building height: 3 stories not to exceed 45 feet
- 11. Maximum building length through the long axis: 240 feet
- 12. Any development incorporating both apartments and townhouses shall be limited to a total of 80% of either type of unit.
- 13. Each development shall have an active and/or passive recreation area of at least 7,500 square feet and a community center of at least 3,500 square feet available to all tenants or owners.
- 14. Public water and sewer. All such development shall be served by public water and public sanitary sewer.

F. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all buildings:

- 1. Townhouses with fee simple lots:
  - a. Minimum lot area: 1,200 sf.
  - b. Minimum lot frontage: 20 feet (per unit)
  - c. Minimum lot width: 20 feet (per unit)

- d. Minimum front yard:
  - (1) 30 feet for units with garages or driveways;
  - (2) 15 feet for units without garages or driveways
- e. Minimum side yard: 0 feet if adjoining another unit,  
15 feet if an outside wall
- f. Minimum rear yard:
  - (1) 20 feet
  - (2) 5 feet for a rear entry garage from an alley.
- 2. Additional townhouse requirements:
  - a. Minimum unit width: 20 feet
  - b. A minimum of 300 square feet of storage shall be provided for each unit in the basement, attic or other area attached to unit for storage of garbage, recyclables in the front of the unit, bicycles, garden equipment, or other common household items.
- 3. Apartments.
  - a. The minimum size for each apartment shall be 550 square feet.
  - b. Each unit above the ground floor shall have a balcony or terrace of at least 50 square feet in area unless common open space for all units is provided as indicated in –E.13, hereinabove.
- 4. Accessory Structures.
  - a. Accessory structures for individual units shall not be permitted in any front yard area. Such structures shall not be located closer than 5 feet to a property line.
  - b. Community centers and recreational buildings shall conform to the general district requirements in this section.
  - c. Common garages or carports providing shelter for the motor vehicles of residents shall conform to the setback requirements for parking areas in this section, except that no such accessory building or structure is located in a front yard.

**Section 2.** §301, Zoning Map, shall be modified by removing the HC District and adding the designation of AT-4 District to Block 701, Lot 39.

**Section 3.** Continuation. In all other respects, the Land Use Ordinance of the Township of Lawrence shall remain unchanged.

**Section 4.** Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision

shall not affect the validity of the Land Use Ordinance as a whole, or any other part thereof.

**Section 5.** Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

**Section 6.** Enactment. This Ordinance shall take effect upon the filing thereof with the Mercer County Planning Board after final passage, adoption, and publication by the Township Clerk of the Township of Lawrence in the manner prescribed by law.

Councilman Bobbitt made a motion to amend Ordinance 2391-21 to delete Section F-3.C ( storage requirements) which he indicated was discussed at last night's Planning Board Meeting and this being a recommendation that was sent back from the Board for Council's approval tonight.

The Ordinance was adopted (as amended) on 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   |     |         |        |         |      |        |

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

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

Manager's Report –

Mr. Nerwinski reported that he has provided the Council with all the materials related to the 2021 Municipal Budget and today is the day for the public hearing and adoption of the 2021 Budget which is a two-step process. The first being the consideration of Resolution 141-21, Authorizing the Budget to be Read by Title Only, pursuant to the New Jersey budget law that requires the Governing Body to adopt this resolution prior to the adoption of the budget, Resolution 142-21, Authorizing the

Adoption of the 2021 Municipal Budget, as it has been historically voted on and done in the past.

The 2021 budget to Read by Title Only was then presented as follows:

Authorizing that the 2021 Budget to be Read by Title Only

Resolution No. 141-21

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

WHEREAS, these two conditions have been met;

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

Resolution Nos. 141-21 (12-A) was approved by the following roll call vote:

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

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

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Authorizing Adoption of the 2021 Municipal Budget

Prior to the adoption of the budget, Mr. Nerwinski stated that the 2021 Municipal Budget has been discussed over the last three or four months during this budget season and the Department Heads have provided information to the Council relative to their departments for them to better understand the municipal budget from department to department. The Recommended Budget for 2021 provides for a zero (0) percent increase, the amount to be raised by taxation is \$27,764.454.69 and the total budget of \$49,558,434.49, which is a reduction from last year. He then briefly spoke how

important it was for the Administration to look for ways to not increase taxes for the residents due to the economic impact of the pandemic and how they took certain Capital projects off the table until they could get a better understanding as they get through the pandemic of what the final impacts are going to be to the Township and how any Federal grant money is going to assist them. He then opened the floor for the public hearing on the budget.

Prior to the vote, Mr. Nerwinski took a moment to acknowledge and thank Peter Kiriakatis, CFO, and his staff - Linda Lutes, Supervisor of Accounts, Debbie Monroe, Payroll Supervisor, Jean Paramonte, Purchasing Assistant, Paul Bodine, Assistant Municipal Treasurer and Yvette Martinette, Administrative Assistant, for all of the hard work that is done behind the scenes as the Township's finances are always in order and the Audit shows that even with this year being particularly challenging. He further indicated Mr. Kiriakatis worked very hard and they are very fortunate to have his wealth of knowledge and professionalism and he really appreciates personally working with him every day.

Councilman Bobbitt echoed the comments of the Township Manager with regards to thanking Mr. Kiriakatis and others for their hard work and stated he would like to say publicly that he is thankful for the seeds that were planted long ago for the Township in terms of the financial standing and footing they have now. And, he knows it was not their doing specifically; but, they have continued to try and serve the residents well and he wants to extend his appreciation for the work that everyone on Council and the Staff has done over the years.

Councilwoman Lewis echoed the same sentiments and thanked all of the employees who have gone above and beyond throughout the pandemic and have done so again for the residents of the Township to bring in a budget with a zero (0) percent tax increase this year in light of what has happened with regards to the impact of this pandemic.

Councilman Powers echoed the same sentiments as both of his colleagues and indicated it was an unprecedented year and what Mr. Nerwinski, the Department Heads and Township employees were able to do in such an unprecedented year to come in at a zero (0) percent tax increase is a reflection on his management, the department heads and the hard work of the employees and asked that he convey the Council's appreciation for all of the hard work and extra time that everyone put in during this unprecedented time.

Mayor Kownacki thanked Mr. Nerwinski and Mr. Kiriakatis for everything that they have done and all the Department Heads for helping them achieve the zero (0) tax increase this year.

The Adoption of the 2021 Municipal Budget was then presented as follows:

Resolution No. 142-21

BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that the attached document be and hereby is the Adoption of the 2021 Municipal Budget.

Resolution Nos. 142-21 (12-B) was approved by the following roll call vote:

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

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

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Mr. Nerwinski reported that Mayor Kownacki asked for an update on some of the things that have been done in reference to the Fire Study and in response to that he provided the Council with an email going through all the recommendations of the fire study and the progress they have made towards them and requested that the Council take a look at them and compare where they are to date which he thinks they are making really good headway. Additionally, he hopes that the Council will allow Jack Oakley, Director of Emergency Management, to come before them sometime in June to provide an update because at that time they will have the Standard Operating Guidelines in place as well the proposed Ordinance revising the Fire Department and Emergency Medical Services into a unified Fire Division and he will be available to discuss the things leading up to this and what is in the proposed ordinance. There was no objection from members of Council regarding the June meeting date.

Mr. Nerwinski advised that the website is up and he is really happy with it; but they still have some work to do with making some adjustments and well-meaning residents have contacted him with assistance and he loves it...it takes a village...and they are making improvements and they are getting a lot of good recommendations.

Mr. Nerwinski stated the last item he would like to discuss is the legalization of cannabis that passed in New Jersey by a 2 to 1 margin and over the last two or three years he and Mr. Parvesse, Municipal Engineer, have met with vendors who have identified Lawrence Township as strategically and geographically, a location to do certain cannabis related businesses. The primary emphasis for those businesses is



medicinal marijuana. They are now at the point where the State has passed a cannabis law and each town is going to be asked to make a decision to opt out completely or opt in in terms of certain cannabis sale. In response to that he asked the Municipal Engineer, who is the Zoning Officer, to work with the Planning Board to present some recommendations to the Council with regard to what, if anything, the Township wants to do in terms of opting out.

Mr. Nerwinski explained that he is not the policymaker. It will be the decision of the Council. They have identified the Route 1 Corridor - Highway Commercial, as places that are appropriate for medicinal marijuana and there is one place that will be opening up shortly in a location near the Quakerbridge Mall. Those companies are going to have the first opportunity to transition into the legal sale of marijuana. One of the things he has asked the Zoning Officer to do is to present a recommendation to the Council that they locate retail sale of cannabis in a very specific zone in Lawrence Township and not have it just anywhere; and, opt out of other cannabis related operations until they get a sense of where they are with this. He hopes to get back to the Council prior to the next council meeting as the date to get an ordinance on the books is mid-August...so they do have some time. Further, the matter has been discussed multiple times so they all knew this was coming and they have a sense as to where everybody is in terms of the situation and as always if they have any questions or comments his door is open. Additional discussion took place relative to people reaching out for cultivation and other pieces of marijuana sales outside of retail and Township not endorsing that next step, zoning, and the establishment of suitable locations for marijuana sales and the Council looking forward to the report to start working on setting the policy regarding the sale of marijuana.

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**Attorney’s Report –**

Mr. Roskos stated he will reserve his comments for closed session; but he would like to acknowledge and thank the Municipal Clerk for her assistance today in preparing one of the Resolutions found on the Agenda tonight and that she was a tremendous help to him in terms of locating old resolutions and working with him to finalize this resolution and thanked her again for all of her help.

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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 –**

The Municipal Clerk asked Mayor Kownacki about making board appointments. Mayor Kownacki inquired if there were any appointments to the Boards or Committees.

Councilman Bobbitt moved to appoint Naeem Akhatar as a Regular Member to the Planning Board. Mr. Nerwinski advised against the appointment since the matter was not on the Agenda tonight and they did not amend the agenda to include the appointments; therefore, the appointments would not be in accordance to Robert’s Rules. So, the matter should be saved for a future meeting if it is not of urgency. Mr. Rosko agreed. (Motion to appoint was withdrawn)

There was no further new business.

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

There was no public participation.

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**Resolutions**

Councilman Bobbitt inquired about Resolution 157-21 (18-F.1) as it relates to the \$25,000 increase for a total amount of \$50,000 for Special Counsel for Union Labor Negotiations. Mr. Nerwinski advised the amount is correct and stems from multiple police related issues in terms of discipline and other appeals through PERC and advised it is an active period and a lot of work that he is undertaking so do not be surprised in the next couple of months if that amount increases.

Resolution Nos. 141-21 (18-D.1) through 159-21 (18-H.6) was approved with the exception of Resolution 151-21 (18-9B – Pulled for the Agenda) by the following roll call vote:

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

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

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**Council Initiatives/Liaison Reports –**

There were no Liaison reports.

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**Written Communications –**

There was no written communication.

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

7:03 p.m.

Respectfully submitted by,

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Kathleen S. Norcia, Municipal Clerk

Attest:

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James S. Kownacki, Mayor