

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

December 1, 2020

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, December 1, 2020, at 6:30 p.m.

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

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

STATEMENT OF PROPER NOTICE: "Adequate notice of this meeting of the Lawrence Township Council being held on Tuesday, December 1, 2020, has been provided through the posting of the annual meeting schedule of said Council in accordance with Section 13 of the Open Public Meetings Act." Said Notice was forwarded to The Trentonian, The Times and The Princeton Packet on December 19, 2019.

The roll was then called as follows:

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

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

Special Proclamations, Recognitions and Presentations

There were no proclamations or presentations.

Public Participation

Mr. Nicholas Sferra, 116 Oaklyn Terrace, stated for the record he is having a hard time hearing members of Council and indicated their voices are very low, sounds far away to the point he can barely make out what they are saying and asked if there was any way to adjust the sound. Mr. Nerwinski responded that no one has spoken except for Mayor Kownacki so far. Mr. Sferra replied that they still sound far away but he would still like to pose a question concerning the Professional Services Agreement for Veterans' Park Site Lighting Improvements listed under Resolutions. Mayor Kownacki noted that this part of the meeting is for items not on the Agenda but as they move further along and the item he wants to speak to comes up he can speak at that time. He then thanked Mr. Sferra for his comments.

Ms. Annette Loveless, 100 Reeder Avenue, stated she just noticed there was an Ordinance amending the Land Use Ordinance to revise the Drainage and Storm Water Management on the Agenda and she is attending the meeting to learn about it as she is interested in improving the Green Infrastructure in the Township. Mayor Kownacki noted again when he reaches the Ordinances there will be a period for public comments.

Review and Revisions of Agenda

There were no revisions to the agenda.

Adoption of Minutes

On a motion by Ms. Lewis, seconded by Mr. Powers, the Minutes of Regular Meeting of October 20, 2020 and November 5, 2020 were approved without corrections on the following roll call vote:

Same was carried on the following roll call vote:

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

Awarding or Rejecting of Bids

There was no award or reject of bids.

Introduction of Ordinances

Mayor Kownacki read by title, an ordinance entitled, "AN ORDINANCE PROVIDING COMPENSATION FOR VULNERABLE POPULATION OUTREACH COORDINATOR UNDER THE GRANT KNOWN AS 'STRENGTHENING LOCAL PUBLIC HEALTH CAPACITY PROGRAM 2021' TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, STATE OF NEW JERSEY"

Mr. Nerwinski advised that the Ordinance provides compensation steps for the required application to the New Jersey Department of Health for the position known as the Vulnerable Population Outreach Coordinator; a request made to him by Carol Chamberlain, Health Officer, to explore the issue of applying for the grant for this particular position and Lawrence Township being identified by State Officials after speaking with Ms Chamberlain as a qualifying community under certain parameters and this being part of the process. This position is funded solely by the grant and is not a permanent position that the Township is taking on and anyone that is hired for this position understands that the position lasts as long as it is funded by the grant. He then proceeded to discuss how the grant came about as it relates to the pandemic and the services provided throughout the local, county and state governments.

The Ordinance No. 2376-20 was introduced and approved on the following roll call vote:

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

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Mayor Kownacki read by title, an ordinance entitled, "ORDINANCE AUTHORIZING THE PRIVATE SALE OF CERTAIN LANDS OF THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, NOT NEEDED FOR PUBLIC USE – Alcazar Avenue

Mr. Nerwinski advised that the Ordinance authorizes the private sale of public lands not needed for public use and is part of the Township's ongoing process to make available certain portions of land that are owned by the Township that are no longer useful for the Township. And, as part of the search, the Municipal Engineer identified this particular parcel as something that the Township could never use and is not using presently that would be of value to the individuals located adjacent to the parcel on Alcazar Avenue. The parcel has been assessed at a value of \$25,000.

The Ordinance No. 2377-20 was introduced and approved on the following roll call vote:

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

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Mayor Kownacki read by title, an ordinance entitled, "AN ORDINANCE OF THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER AUTHORIZING THE SALE OF VARIOUS PROPERTIES 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"

Mr. Nerwinski advised that the Ordinance is similar to the previous ordinance as it authorizes the sale of Township-owned property not needed for present or future use. There are two lots for sale located on Alcazar Avenue (Lot 8 assessed value of \$170,000 and Lot 16 assessed at a value of \$85,000), and one lot located on Locust Avenue (Lots 1-3 and assessed at \$45,000). The goal is to get the properties back in the hands of people that can use the properties and the Township would gain the benefit of tax revenues coming in. Furthermore, the lots are not buildable lots on their own but they become buildable when joined with the other lots.

The Ordinance No. 2378-20 was introduced and approved on the following roll call vote:

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

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Mayor Kownacki read by title, an ordinance entitled, "AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF LAWRENCE TO REVISE SECTION 522 DRAINAGE AND STORM WATER MANAGERMENT"

Mr. Nerwinski advised that the Ordinance amends the Land Use Ordinance known as "Drainage and Storm Water Management" and the amendment is necessary to comply with minimum state standards that were adopted earlier this year and adopting it as part of the local standards as well.

The Ordinance No. 2379-20 was introduced and approved on the following roll call vote:

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

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Mayor Kownacki read by title, an ordinance entitled, “AN ORDINANCE TO REVISE THE ADMINISTRATIVE CODE CHAPTER 375, SOLID WASTE FOR CONFORMANCE TO NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION STORMWATER REGULATIONS – YARD WASTE PROXIMITY TO STORM DRAINS”

Mr. Nerwinski advised that the Ordinance revises Chapter 375 of the Township Administrative Code relating to “Solid Waste”. The revision is similar to the prior ordinance with regards NJDEP stormwater regulations establishing new standards for the proximity of yard waste to storm drains; specifically, for non-containerized yard waste not being placed closer than 10 feet from any storm drain in length.

The Ordinance No. 2380-20 was introduced and approved on the following roll call vote:

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

Adoption of Ordinances

Mayor Kownacki read by title, an ordinance entitled, “AN ORDINANCE AMENDING ORDINANCE NO. 2364-20, SALARY, ORDINANCE OF THE TOWNSHIP OF LAWRENCE-UNCLASSIFIED AND/OR EXEMPT, SEASONAL, EMERGENCY (NON-UNION) EMPLOYEES FOR 2020-2021”

Ordinance No. 2374–20

AN ORDINANCE AMENDING ORDINANCE NO. – 2364-20
SALARY ORDINANCE OF THE TOWNSHIP OF LAWRENCE – UNCLASSSIFIED 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 \$16.51
Recreation Aid	Hourly	Federal Minimum Wage up to \$36.45	Federal Minimum Wage up to \$37.18
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

Position of Job Title	Basis	2020	2021
Municipal Court Attendee	Hourly	\$23.37	\$23.84
SLEO Class III	Hourly	\$28.50	\$29.07
Park Attendant	Hourly	\$15.56	\$15.87
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.

Adopted: December 1, 2020

Additions are 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. 2311-18 PROVIDING CERTAIN JOB CLASSIFICATIONS AND PROVIDING COMPENSATION FOR THE MUNICIPAL EMPLOYEES OF THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, STATE OF NEW JERSEY – Chief of Police"



Ordinance No. 2375-20

AN ORDINANCE AMENDING ORDINANCE NO. 2311-18 PROVIDING  
CERTAIN JOB CLASSIFICATIONS AND PROVIDING COMPENSATION FOR THE  
MUNICIPAL EMPLOYEES OF THE TOWNSHIP OF LAWRENCE  
COUNTY OF MERCER, STATE OF NEW JERSEY

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 – Chief of Police for 2019, 2020, 2021, 2022 and 2023”.

Section II. Salaried Employees

The following is the salary range for the Chief of Police for 2019, 2020, 2021,  
2022 and 2023:

Chief of Police

|      |           |
|------|-----------|
| 2019 | \$171,267 |
| 2020 | \$174,693 |
| 2021 | \$178,186 |
| 2022 | \$182,017 |
| 2023 | \$186,113 |

Section III. Repealer

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

Section IV. 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 V. Effective Date

This ordinance shall become effective immediately upon adoption thereof.

Adopted: December 1, 2020

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 December 2020.

Mr. Nerwinski advised that he has two items on which to report; the first item being the pandemic and certain additional steps that the Township has taken, and as a result everyone received a copy of the Report from the Health Officer concerning the number of positive tests to the community which has dramatically increased over the last several weeks along with hospitalizations and the use of ventilators throughout the County and State as well. So, the numbers are not confined to the fact there is more testing. The pandemic is hitting them again and safeguards need to be enforced. And, as we enter into the winter months we will be allowing for visitors to enter into the building at the north entrance and protective measures will be taken for both the visitors as well as the employees. There will be a reception area just inside the entrance with seating, a table, plexiglass screening and the necessary CDC guideline protections in place and that will go into effect as soon as possible. Also, the Covid Quick Screen App for the employees to use prior to entering the building and starting their work day is working out really well as everybody is using the Self-Assessment questionnaire.

Mr. Nerwinski stated with regards to the Anti-Nepotism Ordinance he only heard from a couple members of Council with regards to the ordinance and asked if there were any questions as this is something he pulled together after doing some research from other townships who passed similar ordinances and that he was trying to craft something that was more particularized to Lawrence Township. Mr. Roskos stated that there are certain provisions in the proposed ordinance that varied from the State provisions and he just wanted everyone to appreciate that; and the four-year period in the proposed ordinance is fairly long and commented on a couple of other items and stated he is not suggesting they do not adopt what has been drafted, he is just making a contrast against other things. Mr. Nerwinski advised that he has no emotional ties to the proposed ordinance; he just mentioned it to spark conversation being it was one the questions the Township answered 'No' to on the Best Practices Checklist as to whether Lawrence Township had adopted an Anti-Nepotism Ordinance and that is why he brought the matter forward for discussion with the Council. He then asked if there were any comments.

Councilman Bobbitt stated he appreciates the Township Manager's take on the matter; but, he does have a few comments which he will hold off on until the Council receives more feedback from the Township Attorney.

Councilwoman Lewis stated the proposed Ordinance is a good first step but she thinks she wants to look at Mr. Roskos' comments and also make sure they are taking into account civil service people who are on a list or tend to become on a list. This concerns her because in watching her brother sit on the Civil Service list while he was trying to become a police officer and if the fact that his aunt or someone else decided to run for Town Council would preclude him from being a police officer for the rest of his life this would be really troublesome for her. So, she thinks the Council needs to make sure they are taking into account some of those pieces. And, police officers are just one example; there are other civil service tests out there where if someone works hard and gets themselves on a list and that is a completely subjective process she thinks that needs to be addressed in some way as well.

Councilman Powers advised that he spoke with the Township Manager and obviously they will wait for Mr. Roskos' opinion; but, he thinks the Ordinance being consistent with any other state regulations is always helpful.

Councilman Ryan stated to piggyback off Ms. Lewis' and Mr. Roskos' comments, he feels the proposed Ordinance should be tweaked just a little more.

Mayor Kownacki stated he has the same sentiments as everyone else with regards to the Ordinance being tweaked first and then the Council revisiting the matter.

Mr. Nerwinski stated that is something he thinks Mr. Roskos could dive into a little more and he and Mr. Powers did speak about this briefly earlier today. Certainly, they do not want to run afoul of State law at all; but this matter is very much a local rule opportunity and that each local entity can establish on their own ordinance and proceeded to discuss his research with regards to there being different Anti-Nepotism Ordinances for different agencies. So, this will be an ongoing process and something for them to work through.

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#### **Attorney's Report –**

Mr. Roskos reported that the Closing for the lot at Lawrence Square Boulevard finally took place which was a labored effort but the property finally closed. And, with the Ordinances being introduced tonight they are selling those surplus properties which will benefit every taxpayer in the community as it helps raise revenue and defer taxes for the residents. Mr. Nerwinski noted the purchase price was \$225,000 which is serious money and a good thing to do.

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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 –**

**A. Resumption of Committee Meetings via Electronic Means -**

Mr. Nerwinski stated that Lawrence Township Boards and Committees have been sidelined for a while now and there have been some chirping that the committees want to get going again and he does not see any reason why they cannot conduct their meetings virtually as the Town Council is doing. And, with the vaccines coming over the next 4 to 6 months they know that they will be doing virtual meetings for the next several months so it is his recommendation for the committees to be meeting again.

Mayor Kownacki stated he agrees with Manager's recommendation as long as the Committees follow the proper protocol and reach out to the Municipal Clerk and asked that each of the Liaisons let their members know about properly Noticing the Clerk.

Councilman Bobbitt reported that the Growth and Redevelopment Committee has been meeting virtually and they had Debbie Schafer from Mrs. G. Appliances at their last meeting which went really well. They have had some hiccups with some people not noticing their meetings properly; but, having this start up in the New Year will be a good thing for all of them.

The Municipal Clerk stated she will send an email out to all the Chairs of the Committees asking them to verify what time they are meeting and how they can be reached by the public to attend the meeting and then she will Notice that all at once to the newspapers so that the Township is covered for the balance of year and going into 2021. Councilman Bobbitt inquired if they needed to Notice her each meeting as to how they want to hold their meetings, and Ms. Norcia advised that if they let her know how they plan to hold their meetings when she sends the Notice for the entire meeting schedule to the newspapers she will include that; than they will not have to calling or emailing each month 48 hours prior to the meeting.

Councilwoman Lewis stated with regards to the virtual meetings going forward in 2021 due to the ongoing pandemic they need to start having conversations as to how to encourage public participation; particularly, when they start the budget presentations where people might want to participate in the discussions.

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

Prior to opening up public participation, Mayor Kownacki asked the Municipal Manager to provide a brief review of Resolution No. 339-20 (18-F.1). Mr. Nerwinski advised several months ago, pre-pandemic, the Township had some interest in providing improvements to Veterans' Park and one of those improvements involved the new comfort station (a fancy term for the bathrooms) that has since been completed and another was to provide lighting (bollard style) around the inner loop of the jogging/walking path being it is really dark at night and presents an unsafe situation yet people still utilize the park. So, they contracted with a planner solely for that piece for \$7,000 to study the issues involved and provide the Township with a recommendation with regards to the lighting they would like to see placed there.

Mr. Nicholas Sferra, 116 Oaklyn Terrance, thanked the Township Council and the Municipal Manager for the improvements to the park that has definitely been appreciated and indicated his concern with the bollard style lighting is that there will be added light pollution to neighbors that have become comfortable with the dark park setting and asked Mr. Nerwinski if the proposed lighting was going to be strictly path lighting and no pollution of light to the neighbors along that area. Mr. Nerwinski stated they understand and anticipated that concern with the proposed lighting; but, he can assure him there will be no flood lights peering in his or his neighbors' windows as any lighting they put in is purposed to illuminate the path and the path only so that concern will be addressed and the process will continue with input from the residents as well. Additional discussion took place relative to drainage issues, making additional improvements and the park more useful for the kids.

Ms. Annette Loveless, 100 Reeder Avenue, stated to piggy back off of Mr. Sferra's comments with regards to drainage issues and the need for improvements she knows the Township is looking at Storm Water Ordinances and to adopt major construction with a Green Infrastructure; but, with the increasing volume and frequency of storms if they could consider minor redevelopment as well they could prevent more flooding, algae blooms and prevent the need for major capital improvements such as dredging of Colonial Lake and things like that and suggested the Department of Public Works go beyond the minimum standards required for storm water management. She then thanked members of Council for their time and consideration and expressed how much she loves living in Lawrence Township. Mr. Nerwinski thanked Ms Loveless for her comments and advised that that they will absolutely take her suggestion into consideration.

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## Resolutions

Resolution Nos. 339-20 (18-B.1) through 359-20 (18-H.12) 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.

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**Council Initiatives/Liaison Reports –**

Councilwoman Lewis congratulated all of Lawrence residents who participated in the 2020 Complete Count Census and indicated the folks at the Count the Vote came back with the results of the Census for Lawrence Township whose volunteers deserve great accolades for all of their help with the count being Lawrence got a 78.6 percent rate of return on the census information in the middle of a pandemic compared to the 67 percent nationwide, 69.5 percent in New Jersey and the 70.4 percent in Mercer County. Therefore, she feels the Township Staff along with the volunteers who helped make that happen deserve some congratulations.

Mr. Nerwinski stated he asked Jennifer Carabelli, Deputy Tax Assessor, to be the point person for the Complete Count Census Committee and she did an amazing job. She approached the task very professionally, very organized and the results showed in what Lawrence produced in the numbers in terms of the census. He then thanked Councilwoman Lewis for bringing that matter up.

Councilman Bobbitt reported that the Growth & Redevelopment Committee has been having meetings which have been going fairly well and they have had some outreach to business members which they will continue to do. The Environmental and Green Advisory Committee has had a challenge with Noticing properly and responding to the Planning Board on time which is something he will be working on. In addition, he is thinking about looking at the makeup of the Ordinances for the two committees because he feels that has left some wiggle room for some people to not act in the best interest of the Township.

Mayor Kownacki reminded everyone about the Tree Lighting event taking place on Friday, December 4<sup>th</sup> in front of Town Hall at 5:00 p.m., and indicated due to the pandemic the Recreation Department and Public Works Department have transformed the event into a Drive-Thru Event where Santa Claus will be present and they will be giving out bags of goodies to the kids and he encourages all to attend. Mr. Nerwinski noted that they are watching the weather forecast of rain to see if they need a rain date or not; but, the event is still scheduled for Friday. So, in lieu of the traditional gatherings (restricted by Governor) they decided to continue the tradition of the Tree Lighting but to have it as a Drive-Thru Event for safety purposes which the Recreation Department promised will be exciting for young and old.

Councilwoman Lewis reminded everyone about the Lawrence Township 2<sup>nd</sup> Annual Holiday House Decorating Contest and encouraged everybody with all the extra time on their hands to decorate their house and join the contest as the Recreation Committee loved driving around and judging the houses last year.

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#### **Written Communications –**

##### **A. Letter from Justin Roth and Lauren Shallish regarding Road Opening Permit denial by Engineering due to road opening moratorium.**

Mr. Roskos advised that the Township received written communication from homeowners on 13 Grandview Avenue who are appealing a Road Opening Permit denial, and indicated Lawrence Township has a 5-Year Moratorium Policy that has been in place for many years to maintain the integrity of the roads once they have been newly repaved. Mr. Roth and Ms. Shallish have explained in the letter that their home is an older home and that they have consulted with a licensed plumber and inspector who have concluded that there is a broken sewer or drainage pipe creating an emergency requiring immediate sewer repair service to prevent further damage. They also identified another issue with the heating system which is currently oil and revolves around the original chimney which did not pass inspection being the original oil boiler flue is oversized for the chimney therefore the plumber and chimney inspector both are recommending the homeowners switch to natural gas. So, this conversion from oil to gas is also why they are seeking relief to open the road.

Mr. Roskos explained that the Township is in a situation where the Municipal Manager and the Municipal Engineer are authorized to deal with those types of situations if they are truly an emergency or if it a dominium opening during the fifth year; however, this is not the case. His reasoning, is that the sewer lateral is in the street and it is his understanding that portion is part of the Ewing-Lawrence Sewage Authority sewer line and the Authority has the

power to conduct those operations if it were a true emergency and they have not identified this situation as an emergency.

In terms of the conversion from oil to gas that is not an emergency situation either; it is a choice that the homeowners are looking to make that should have been made prior to the road being repaved. Typically, prior to a road being repaved Moratorium Notices are sent out to homeowners informing them to do whatever utility work they need to do before the road gets repaved prior to the road going under the 5 year moratorium as relief will only be granted in extreme emergencies in order to protect the integrity of the roadwork. And, since the Policy went into effect they have only had one instance where the road had to be opened prior to the moratorium expiration date. So, based on this not being an extreme emergency it is his recommendation to the Council that they deny the request to protect the integrity of the Road Improvement Program. He then asked if the requestor would like to make any comments relative to his decision.

Mr. Roth explained that they purchased a house that had been vacant for about a year and everything that they do to the home must be done according to Code - building, inspections, etc. Unfortunately, they were not able to pull the permits to know the provisions prior to owning the home as it would have certainly impacted their decision to purchase the home from a financial perspective being this process has added an undue financial burden to their family now that they are able to pull the permits and are finding out their chimney is not certifiable which is part of the reason they are switching from oil to natural gas through PSE&G as well as the problems with the broken sewer lines once all the inspections were completed which has to this point of requesting a Road Opening Permit to fix the problems.

In addition, the previous owners had not disclosed during the sale of the home that there was a 5 year moratorium on the road which they were notified of by the Township; but, failed to disclose and make them privy to during the sale of the home. Therefore, they are pleading to the Township Council to reconsider the denial of their Road Opening Permit due the unforeseen circumstances and anything they could do for them would be greatly appreciated. In closing, Mr. Roth then thanked the Council for their time and consideration.

Councilwoman Lewis stated she agrees with Mr. Roskos' assessment of the matter but suggested the residents speak with PSE&G, who they are now dealing with as the Utility is currently updating all of the gas lines in the neighborhoods, and because his neighbors have gas they will probably be doing that work at some point soon, so he might want to reach out to them about that and proceeded to discuss PSE&G recently putting in a new meter at her home which required the newly repaved road to be ripped up and redone due to the emergency improvement.



Mr. Roskos stated that he does not mean to minimize the situation; but, for clarification purposes the truth is, the homeowner is in need of a chimney repair; but, instead is opting to convert from oil to gas due to the cost. So, if the Township grants the Applicant's request that means they would have to grant every homeowner who seeks approval of a Road Opening Permit regardless of the Township's Road Program. Therefore, it is his recommendation that the homeowner live with the oil heat for the meantime unless a true emergency arises, wait closer to the 5 year moratorium period depending on the scope of the work, then make the request at that time for the Road Opening Permit that could be issued by the Township Engineer to make the necessary repairs.

Additional discussion took place relative to the road moratorium for 13 Grandview Avenue expiring on November 1, 2024 being the road was recently repaved and the Township Council abiding by the road moratorium thereby honoring the fact that taxpayers' money fund the road improvements and part of the Road Improvement Program is to uphold the structural integrity of the roads and not disturb them unless it is a true emergency once they are repaved. Afterwards, Mayor Kownacki requested that Mr. Roth reach out the Ewing-Lawrence Sewage Authority regarding the sewer lateral. Mr. Nerwinski advised Mr. Roth that he would reach out to him to tomorrow to clarify what has been discussed and to answer questions as to the denial of his request.

Councilman Powers stated although he is sympathetic being they have a new home purchaser who was not there when the Moratorium Notice was sent out, the Council does have precedent, and as they heard from the Township Attorney that only in one instance has the Township ever granted relief for emergency purposes to the road moratorium. So for that reason he making a motion to deny the request to do the road opening.

On a motion by Mr. Powers, seconded by Ms. Lewis, Mr. Roth's and Lauren Shallis' request for a Road Opening Permit was denied 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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B. Petition from Residents of The Gatherings –

Mr. Nerwinski stated there is nothing to discuss regarding this Petition as he has said on multiple occasions and which was addressed back in 2018 at the Planning Board Meeting and the matter was discussed again with Council after the Planning Board approval of the warehouse construction on Princess Road. A lawsuit was filed by members of The Gatherings against Lawrence Township which had been withdrawn because it did not have merit; however, he continued to represent that the Township would explore the issue of closing that road to The Gatherings to the second roundabout that leads into Princess Road towards the warehouse. They are going to take the necessary steps based upon the hearing that was done which seems doable; but, at this point in time the road will not be closed off permanently given there are still properties listed for sale. Afterwards, they will study the patterns of the traffic that are impacted once the warehouse is up and running.

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

7:30 p.m.

Respectfully submitted by,

Kathleen S. Norcia, Municipal Clerk

Attest:

James S. Kownacki, Mayor