

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

July 20, 2021

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, July 20, 2021, at 6:00 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, July 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 and David Roskos, Esq., Municipal Attorney.

Special Proclamations, Recognitions and Presentations

Councilman Ryan advised that Lawrence Township was asked by Mercer County Prosecutor's Office to host the "Overdose Awareness Day" on August 31st, which is an honor; but, bittersweet because of all the unfortunate drug-related deaths. In addition, the Governor is asking that all flags be flown at half-staff for the day's duration. The event will take place at Lawrence Township Central Park on Eggert Crossing Road across from the Armory from 6:00 PM to 8:00 PM and everyone is encouraged to attend in honor of those who have died or suffered a permanent injury due to an overdose. He then read the following Proclamation into record:

Proclamation Declaring August 31st as Overdose Awareness Day

Proclamation

WHEREAS, addiction is a chronic disease, characterized by compulsive or difficult to control drug use despite the harmful consequences; and

WHEREAS, addiction is seen by both the Centers for Disease Control and the World Health Organization as a fast-growing epidemic that can all too easily lead to overdose and death; and

WHEREAS, in 2020, 81,000 individuals died from a drug overdose in the United States; and

WHEREAS, in New Jersey alone, 3,200 people died from a drug overdose in 2020; and

WHEREAS, additionally, for every drug overdose that results in death, there are many more non-fatal overdoses, each taking an emotional and economic toll on the individual, their family, and the community at large; and

WHEREAS, addiction can fuel feelings of shame, guilt, embarrassment, depression, and hopelessness, causing individuals to resist seeking treatment and support; and

WHEREAS, Overdose Awareness Day is a global event held on August 31st of each year, the goal of which is to raise awareness of drug overdoses, reduce the stigma of a drug-related death, and to acknowledge the grief felt by families and friends remembering those who have died or had a permanent injury as a result of a drug overdose; and

WHEREAS, to further the goals of Overdose Awareness Day, all flags throughout the State should be flown at half-staff for the day's duration; and

WHEREAS, Overdose Awareness Day in New Jersey sends a strong message to former or current substance users, namely, that they are valued, and that overdose death is preventable.

NOW, THEREFORE, BE IT PROCLAIMED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey that August 31st in the Township of Lawrence shall be declared

Overdose Awareness Day

BE IT FURTHER PROCLAIMED that the Governor is respectfully requested to order flags be flown at half-staff and to issue a proclamation calling upon public officials and the citizens of this State to observe "Overdose Awareness Day" with appropriate activities and programs each year.

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Mayor Kownacki advised that they would be revising the schedule to move up Resolution No. 260-21 (18-H.13) on the Agenda and asked Harold Vereen to please step to the podium. He indicated it took many years to get to this point as he remembers the meetings and the vision. He also remembers the fundraisers and working with volunteers on the Johnson Trolley Line moving stuff, planting flowers and the cleanups as he and Mr. Vereen go back many years. And, he has always said that Mr. Vereen is his mentor and it gives him great honor tonight to finally say that a portion of the Greenway is now officially called **“THE HAROLD VEREEN WALKWAY”**, after which he read the following Resolution into record:

Resolution No. 260-21

WHEREAS, Harold Vereen has been a lifelong resident of the Eggert Crossing section of Lawrence Township; and

WHEREAS, Harold has given of his time, knowledge and energy in his total commitment to Lawrence Township and more particularly the Eggert Crossing area in an effort to improve the quality of life for its residents; and

WHEREAS, in furtherance of his desire to continue to help the Lawrence community in general, he has served on many civic associations, Township Council and is a current member of the Ewing-Lawrence Sewerage Authority Board; and

WHEREAS, the Lawrence Township Council is desirous of recognizing Mr. Vereen’s many years of service to the Township;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey that it hereby authorizes that the portion of the Johnson Trolley Line that runs through the Eggert Crossing area be and is hereby named:

**THE HAROLD VEREEN WALKWAY**

and

BE IT FURTHER RESOLVED, that all residents of the Township are encouraged to explore this Walkway and enjoy the historical significance and all the natural beauty that it has to offer.

Resolution No. 260-21 (18-H.17) was approved by the following roll call vote:

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

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

Mayor Kownacki asked Mr. Vereen if he had any comments. Mr. Vereen stated he would first like to thank God for giving him the ability to work with many people and for always putting people in his path throughout the years, including Mayor Kownacki, to help lead and guide his direction. Because, when he ran into things that he did not have an answer to somebody was always there to help when needed. He went on to discuss he and his brother, Fred, who did a slide presentation at the Democratic Club showing the condition of Eggert Crossing and them going around showing the presentation to every group that would have them, and indicated Mayor Kownacki (Jim) latched on to their vision, helping with everything from pulling weeds to planting flowers as there was nothing above or beneath him that he would not do to help them.

Mr. Vereen further acknowledged Robin Murray who he indicated was working with him on another project at New Salem Baptist Church and in speaking with her about the need for a planner and lot of other things for the Eggert Crossing community he inquired if she could help. She stated 'no' it was too much for her to handle at that time; but, she did know some planners who might be willing to help. So, she arranged a meeting, they met with the Planners who advised them that a complete study of Eggert Crossing would cost about \$29,000. They then took the idea to the former Municipal Manager, Bill Guhl, who advised that Lawrence Township did not have the money to do the Study. But, at the time, Robin was teaching at Rutgers University and knew a group from the Rutgers Graduate Program who was looking to do a study. She brought that group in from Rutgers and from there a vision for Eggert Crossing was developed, which is how things have continued to happen, and the only thing missing from their vision is the housing that they wanted to do.

In closing, Mr. Vereen thanked the Mayor and Council for all of their support over the years and stated there is no greater honor than to have one's name put on a walkway or something like that. He also thanked his wife, Joyce, for being his biggest supporter. Thereafter, Mayor Kownacki thanked Mr. Vereen and stated on August 14<sup>th</sup> they will have an official dedication ceremony on Eggert Crossing Road.

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Proposed Restructuring of the Fire Department presented by Jack Oakley, Director,  
Division of Fire Emergency Medical Services

Mayor Kownacki advised that Jack Oakley, Director of Division of Fire Emergency Medical Services, would be providing a report on the proposed restructuring of the Fire and Emergency Medical Division. He then turned the floor over to Mr. Oakley.

Mr. Oakley greeted the Mayor and Council and everyone in the audience, and indicated that he would be speaking about a revision to the standing Ordinance amending the Lawrence Township Administrative Code establishing a Lawrence Township Fire Department and Emergency Medical Service Division under the Department of Public Safety. Further, Mr. Nerwinski has circulated copies of the draft Ordinance and the Lawrence Township Fire Department Standard Operating Guidelines along with the recommendations that he will be reviewing during his report.

Mr. Oakley reported that Lawrence Township requested The Rodgers Group to do a Fire Study for emergency services in Lawrence Township about a year ago, and out of that Study came thirty-eight (38) recommendations of things that the Township can do better or tweak in terms of what they already have or do not have in place. Thereafter, he and Mr. Nerwinski toured through the report reviewing and prioritizing some of those recommendations based on the critical nature of things that needed to be implemented immediately, middle of the road, and long-term.

Mr. Oakley advised subsequent to the meetings with the Municipal Manager, he was instructed to meet with the Administrative and Operational Groups from the three fire companies – Slackwood Fire Company, Lawrence Road Fire Company and Lawrenceville Fire Company. From that meeting they created a Subcommittee consisting of the three (3) Fire Chiefs, Ed Tenza, Lawrence Fire Marshal, Chrissie Vincent, Chief of Emergency Medical Services, and himself. The Subcommittee met on a few occasions and reviewed some of the recommendations from the Fire Report, as well as things they thought should be implemented as soon as possible and came up with a plan as to how they wanted to proceed. Subsequent to that meeting, he met with the Presidents of each fire station with the exception of Lawrenceville Fire Company, who chose not to meet, as they indicated they were well aware of the Township's plans and pretty much on board. Thereafter, he met with the Slackwood Fire Company and Lawrence Road Fire Company who made some recommendations that were dovetailed into their plans.

Mr. Oakley imparted that he would now be reviewing the immediate plans that he and Mr. Nerwinski felt should be done right away and proceeded with an in-depth review of the following recommendations and revisions from the Fire Study:

- Recommendation 3 – Current protocol of fire, rescue, and EMS dispatching hand-off to County dispatch to ensure alarm handling times are within NFPA alarm handling time performance standards. (Mr. Oakley noted the problem was addressed and corrected after a meeting with iXP.)
- Recommendation 4 – Analysis of station turnout times and overall response times for incidents. (Mr. Oakley stated the matter was addressed with the Volunteer Firefighters who now have a much better response time answering calls.)
- Recommendation 6 – Review of Box Alarm run cards annually to ensure available resources for both mutual and automatic aid are current. (Mr. Oakley noted they revised the Box Alarm Plan and implemented a geographic response that reduced the number of box alarm plans township-wide.)

- Recommendation 7 – Revise training programs to institute a standardized training program, both in-person and online. (Mr. Oakley advised due to the pandemic they cut down in-person drill capabilities; but obtained a 24/7 online training platform that they gave to each of the volunteer firefighters and EMT's, which proved to be successful and great training tool across the board.)
- Recommendation 10 – Agency to Consider expanding automatic aid agreements with contiguous communities to work toward meeting NFPA 1720 staffing requirements for structure fires – (Mr. Oakley advised that they revised the plan so that the person who is in charge of the incident do not have to think about who is coming to the call, the person will already know by the area where the call is at and what the nearest available mutual aid resources are for him or her if they are in charge of the scene.)
- Recommendation 11 – Review agreement with utilities (TWW) providing fire hydrants services to build in inspection and flow testing schedule that meet American Water Works Association operations manual. (Mr. Oakley noted the matter was addressed by having the career staff inspect fire hydrants throughout the Township and document their findings of the hydrant system that is in ill repair.)
- Recommendation 12 – Develop and Implement a comprehensive, single set of Standard Operating Guidelines for the Lawrence Township Fire Division (Mr. Oakley stated they developed over twenty-five (25) SOG's that will be instituted and dovetailed in with the Standard Operating Guidelines for the Career Staff.)
- Recommendation 19 – Revise the municipal ordinance to create a single, combination volunteer and career division under the authority of a full-time career fire chief (Draft Ordinance provided to the Council for review and consideration.)

Mr. Oakley indicated the items he just reviewed are the immediate things that they would like to address first, and he will now be reviewing the 18-month Short-term Plan as follow:

- Recommendation 5 – Township should undertake an in-depth study of the current fire station locations and capabilities in regard to overall emergency service demand and response times to determine the feasibility of constructing a new fire station in a central location in the Township. (Mr. Oakley noted that is an on-going evaluation.)
- Recommendation 9 – Township to evaluate the Volunteer Incentive Program and consider program expansion to work toward meeting NFPA 1720 staffing requirements for structure fires (Mr. Oakley provided an explanation regarding the incentive program, stipend increases for the volunteer fire crews, creation of a \$2500 stipend for the newly created positions for Deputy Chiefs and the Chiefs properly being chosen by their individual stations to serve for a 2-year term.)

- Recommendation 15 – Township reviewing the feasibility of an EMS/Career Firefighter consolidation as a method to enhance the delivery of EMS. (Mr. Oakley noted that the Draft Ordinance combines the Fire and EMS Division as well as the Fire Marshal's Office under the Department of Public Safety)
- Recommendation 22 – Township should include leadership and supervisory training as a requirement for all company and chief officers. (Mr. Oakley advised that one of the SOP's have the qualifications necessary to be one of the ranking officers in the individual stations, starting from the Deputy Chief on down to a Lieutenant, Safety Officer and Fire Police Captain.)
- Recommendation 32 – Create, a single department-wide application, approval and on-boarding process for firefighter candidates that includes a rapid background investigation. (Mr. Oakley noted that this recommendation was a stickler because each fire company does it differently; but, he task one of the presidents of the fire stations to get together and have a committee chosen to come up with a complete standardized package that each one of the stations will use to recruit more qualified individuals.)
- Recommendations 36 & 38 – Expanding the career and duty crew program to cover the periods when career staffing is not available to ensure sufficient and immediately firefighting response. (Mr. Oakley indicated he already addressed the duty crew hours, and the Career Staff will help them cover more hours during the day and also give them more days of the week as well.

Mr. Oakley stated that concludes his presentation with regards to the recommendations. He then turned the floor over to the Municipal Manager.

Mr. Nerwinski stated when he first took over as the Municipal Manager the Fire Department was under the Police Department which he felt was a situation that needed to be addressed. He indicated they have been very fortunate as a community to have the benefit of volunteer fire companies for more than a century; but, the trend as it relates to volunteers, is trying to keep the number at a sufficient amount to be able to respond and provide the community with the level of fire protection they deserve, which is dwindling. They are now challenged with trying to find ways to preserve the three (3) volunteer fire companies that have served the community so well and the dedicated, core group of firefighters who want to continue as volunteers. Also, there was some discussion about going to complete career firefighters which they did not think was advisable at this time for a variety of reasons.

Mr. Nerwinski indicated the recommendations they received from the Fire Study provided them the framework they needed to unify the career and volunteer staff along with the EMT's and the Fire Marshal and allow them to provide the level of service the community has come to expect. So, the Ordinance they prepared tonight is the framework and the beginning document that unifies the Fire and Emergency Medical Service Division. However, it is not the Bible in terms of how everything is going to end

up; because, there are administrative tasks that are required that are beyond the Council's purview as legislators and policymakers.

Mr. Nerwinski stated he hopes after the Council reviews the Draft Ordinance that they are on-board being he feels this task of moving the Fire and Emergency Services from under the Division to the Police Department to the Department of Public Safety can be accomplished. He then discussed the hiring of a full-time Administrative Assistant to help in the transition and the amazing job Mr. Oakley has done in establishing such a strong footing during this process as well as how proud he is of the volunteer and the career staff. In conclusion, he stated they appreciate all of Council's support and asked the Council to give this proposal every consideration as he would like to bring forth the Ordinance for introduction at the next meeting.

Mr. Roskos indicated prior to his 24-year-old son going to Georgia to train with the Secret Service he was volunteering at the Lawrenceville Fire Company and his greatest regret, in going to Georgia, was he could no longer be part of the firehouse. So, whatever fire program Mr. Oakley and his crew have going is excellent and what the community needs when you have a 24-year old who wants to be at the firehouse more than they want to be at other places.

A general question, answer and comment period ensued relative to the mandatory online training program being incorporated into the Standard Operating Procedures, Deputy Chiefs being elected by the firehouses, the three (3) volunteer fire companies maintaining their autonomy consistent with their charters in all respects except for fire ground operations and the great job that has been done on the well-needed improvements and renovations at the firehouses.

In conclusion, members of Council thanked Mr. Nerwinski and Mr. Oakley for all of their hard work in getting the career and volunteer firefighters on board and for bringing the recommendations in the Fire Report to fruition while maintaining the character and uniqueness of each fire company. Thereafter, Councilwoman Lewis asked the career and volunteer firefighters in the audience to stand and they received a big round of applause.

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### Public Participation

Mr. Hugh Giordano, Blackwood, New Jersey, advised that he is a representative of the United Food and Commercial Workers Union, UFCW, which is a national labor union with 1.3 million hardworking families, and they are the official Cannabis Workers Union under the guidance of the AFL-CIO. They are also working in conjunction with their union brothers and sisters in the building trades – such as the carpenters,

steamfitters, IBEW – retrofit and buildout facilities, and he is present this evening to thank the Council for allowing the cannabis industry in Lawrence Township in terms of adopting the Cannabis Ordinance as it is great to see towns that want to create great middle-class jobs which will be unionized in New Jersey and his union, UFCW, having the strongest labor laws in the country which Connecticut and Virginia implemented.

Mr. Giordano went on to discuss the Cannabis Business being a good industry as it creates good living wages, healthcare, sick time, vacation time and retirement. They also have educated people currently working in their facilities who have degrees in chemistry, botany, horticultural as well as pharmacists who work in the dispensary themselves; so, the jobs attract young families who will promote economic well-being. He then suggested the Council consider a Merit Based Application System similar to the one passed by the City of Bayonne 3 months ago that lays out the Merit System when people apply, and lays out regulations dealing with environmental or a company use of illegal pesticides or dumping herbicides into drinking water like they did in Colorado. Furthermore, the Merit System will protect citizens, workers from large operators and businesses that come in from Canada and other places; because outside of the micro-licenses the Cannabis Business have big players...they are not just mom and pop smoke shops anymore. Mr. Roskos asked Mr. Giordano to send him a copy of the City of Bayonne Ordinance to view. A general discussion ensued relative to the Township adhering to the August 22<sup>nd</sup> timeline and tweaking the ordinance at a later date.

Ms. Robin Bridges Johnson, 282 Glenn Avenue, greeted the Council and stated she was honored and pleased to see the interaction and genuine friendship between Mayor Kownacki and former Councilman Harold Vereen which was very touching. She indicated when she moved to Lawrence Township 30 years ago and ran for School Board, Harold and his wife, Joyce, welcomed her and her husband into their home, and Fred Vereen (his brother) helped her plan her campaign for the School Board. And, although, the fight continues on...they must be mindful of this full circle moment and reiterated Mr. Vereen being a wonderful man and a great contributor to the fabric of Lawrence Township.

Mr. Ed Brzoza, 66 West Long Drive, greeted the Council and stated with 50 plus neighbors and lots of rumors swirling around his neighborhood he would like an update on the proposed traffic light for West Long Drive so he can dismiss the rumors and provide a accurate update at their upcoming community picnic. He further inquired about a temporary crosswalk being installed prior to the installation of the traffic light due to an increase in pedestrian traffic from the Cobblestone Creek and the installation of a “No Outlet” sign being placed on West Long Drive. He indicated they are getting more cars speeding through the neighborhood thinking there is an outlet to the sport fields at Rider; and, because, there has been a shift of younger couples moving in the neighborhood with kids and more people walking, they need a sign. Mr. Nerwinski replied that the State has approved a traffic light at that location; however, nothing has advanced with regards to the date and design phase. As for his other requests, he will speak to the Municipal Engineer regarding those issues and asked Mr. Brzoza to follow-up with him in a couple of weeks.

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### Review and Revisions of Agenda

Councilman Ryan requested that Ordinance No. 2402-21, An Ordinance to Repeal in Its Entirety Ordinance No. 1692-02 Entitled "Ordinance Amending the Lawrence Township Administrative Code to Create a Human Relations Committee" be **tabled** until August. A discussion amongst the Council took place relative to the Councilman's Ryan's decision to reintroduce the Ordinance again in August and the Human Relations Committee being targeted when it is already a majority/minority inclusionary committee that plans Diversity Day each year. Additional discussion took place relative to the Council reviewing all the Advisory Committees for diversity inclusion and setting policy so that each Board and Committee member understand their role.

Councilwoman Lewis asked Mr. Ryan for the record did his original proposal for the Human Relations Committee include reconstituting the Diversity and Inclusionary Committee with a new charter. Councilman Ryan replied "yes".

On a motion by Mr. Ryan, seconded by Mr. Bobbitt, the Agenda was amended to **(table)** 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.

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The Municipal Clerk further requested that the Agenda be amended to remove Resolution No. 232-21 (18-E.1), Authorizing a Special Item of Revenue from the NJS-American Rescue Plan Tranche #1 in the Amount of \$1,697,462.28 that needs to be handled in a different manner; Resolution No. 253-21 (18-H.10), Authorizing the Transfer of ABC License #1107-33-008-010 from Foodfirst Global Restaurants, Inc. to Bravo Brio Restaurants LLC, that the required advertisement has not as of yet been done by applicant; add Resolution No. 263-21-(18-H.15), Authorizing an Agreement with S.A.V.E. for Animal Shelter Services, and include Resolution Nos. 244-21 and 259-21, as amended.

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

On a motion by Ms. Lewis, seconded by Mr. Powers, the Minutes of Regular Session Meetings of April 20, 2021, May 4, 2021 and May 18, 2021 were approved without corrections on the following roll call vote:

Same was carried on the following roll call vote:

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

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On a motion by Ms. Lewis, seconded by Mr. Bobbitt, the Minutes of Closed Session Meetings of June 15, 2021 were approved without corrections on the following roll call vote:

Same was carried on the following roll call vote:

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

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#### Awarding or Rejecting of Bids

On a motion by Ms. Lewis, seconded by Mr. Powers, Resolution (9-A), Authorizing the Rejection of Bids for the 2021 Concrete, Drainage and Safety Improvements, was presented for adoption.

#### Resolution No. 255–21

WHEREAS, on Thursday, July 8, 2021 bids were received and publicly opened for the project known as 2021 Concrete, Drainage and Safety Improvements; and

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

WHEREAS, the lowest responsible bidder was TC Landscape Construction Group that submitted a bid in the amount of \$180,345.07, and

WHEREAS, the bid amount substantially exceeds the engineer's cost estimate and the budgeted amount for the project; and

WHEREAS, the Municipal Engineer has recommended that all bids be rejected.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that the bids received for the 2021 Concrete, Drainage and Safety Improvements are hereby rejected pursuant to N.J.S.A. 40A:11-13.2a, b and d, due to the fact that the bids substantially exceeds the engineer's cost estimate and the budget amount for the project.

Same was carried on the following roll call vote:

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

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On a motion by Ms. Lewis, seconded by Mr. Powers, Resolution (9-B), Authorizing the Awarding of Bid for Colonial Lakelands Development, was presented for adoption.

Resolution No. 258-21

WHEREAS, on Thursday, July 8, 2021 bids were received and publicly opened for the project known as **Bid 21-10: Colonial Lakelands Development**; and

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

WHEREAS, the lowest responsible bidder was Meco, Inc. who submitted a bid in the amount of \$819,274.70, and

WHEREAS, in accordance with N.J.A.C. 5:50-14, a Certificate of Availability of Funds has been provided and the accounts to be charged are;

| Acct.           | Ord. No. | Name                                                                                                                   | Amount       |
|-----------------|----------|------------------------------------------------------------------------------------------------------------------------|--------------|
| C-04-55-475-243 | 2394-21  | Colonial Lakelands (Mayflower Avenue, Bunker Hill Road, Stevens Drive, President Avenue, Lake Drive, Cambridge Avenue) | \$819,274.70 |

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that pursuant to the recommendations of the Municipal Engineer, the Mayor and Municipal Clerk are hereby authorized to execute a contract with Mecor, Inc., P. O. Box 536, Clarksburg NJ 08510 in the amount of \$819,274.70; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that this contract is awarded pursuant to a fair and open process and is subject to New Jersey Department of Transportation approval;

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.

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On a motion by Ms. Lewis, seconded by Mr. Powers, Resolution (9-C), Authorizing the Awarding of Bid for Veterans' Park Drainage Improvements, was presented for adoption.

Resolution No. 259-21

WHEREAS, on Thursday, July 8, 2021 bids were received and publicly opened for the project known as **Bid No. 21-09: Veteran's Park Drainage Improvements**; and

WHEREAS, eleven (11) bids were received and reviewed by the appropriate Township Officials; and

WHEREAS, the lowest responsible bidder was R. Moslowski Excavating, Inc. who submitted a bid in the amount of \$123,456.00, and

WHEREAS, in accordance with N.J.A.C. 5:50-14, a Certificate of Availability of Funds has been provided and the accounts to be charged are;

Acct.	Ord. No.	Name	Amount
C-14-55-454-296	2328-19	Veteran's Park & Village Park Parking Lot	\$16,105.18
C-14-55-469-290	2360-20	Veteran's Park Drainage	\$30,045.00
1-16-56-843-299	----	Open Space	\$77,305.82

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that pursuant to the recommendations of the Municipal Engineer, the Mayor and Municipal Clerk are hereby authorized to execute a contract with R. Moslowski Excavating, Inc., 3 Meirs Road, Cream Ridge NJ 08514 in the amount of \$123,456.00; and

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

Same was carried on the following roll call vote:

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

Introduction of Ordinances

Mayor Kownacki read by title, an ordinance entitled, AN ORDINANCE AMENDING SECTION 409, THE APARTMENT AND TOWNHOUSE DISTRICT, ARTICLE IV ZONING DISTRICT REGULATIONS"

Mr. Nerwinski advised that the Ordinance amends Section 409, "The Apartment and Township District" to implement the Township Housing Element and Fair Share Plan that amends Block 4201.0, Lot 32.02 located adjacent to the Quakerbridge Mall to the AT-3 Overlay and reduce the minimum lot size for compliance with the plan.

The Ordinance No. 2401-21 was 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 TO APPEAL IN ITS ENTIRETY ORDINANCE NO. 1692-02 ENTITLED,"AN ORDINANCE AMENDING THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE TO CREATE A HUMAN RELATIONS COMMITTEE"

**(TABLED UNTIL AUGUST)**

The Ordinance No. 2402-21 was approved on the following roll call vote:

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

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**Adoption of Ordinances**

Mayor Kownacki read by title, an ordinance entitled, AN ORDINANCE AMENDING ORDINANCE NO. 2390-21 SALARY ORDINANCE OF THE TOWNSHIP OF LAWRENCE – UNCLASSIFIED AND/OR EXEMPT, SEASONAL, EMERGENCY (NON-UNION) EMPLOYEES FOR 2020-2021"

Mr. Nerwinski advised that he sent out a revised email to the Council advising them of a correction to the Ordinance as it relates to the Municipal Alliance Grant Coordinator and the Emergency Response Specialist Coordinator positions being removed. He indicated the Titles were associated with the recently retired Health Officer and are no longer required to be funded; therefore, they are being removed.

**Ordinance No. 2398-21**

**AN ORDINANCE AMENDING ORDINANCE NO. – 2390-21  
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<br>Wage up to \$16.19 | Federal Minimum<br>Wage up to |
| Recreation Aid                    | Hourly      | Federal Minimum<br>Wage up to \$36.45 | Federal Minimum<br>Wage up to |
| Recycling Coordinator             | Per Annum   | \$8,576                               | \$8,748                       |
| [Municipal Alliance Grant         | [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         | \$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 | [Monthly] |                                             | [\$5,000]                                   |
| Security Guard                | Hourly    |                                             | \$25.00                                     |
| All Others                    | Hourly    | Federal Minimum                             | Federal Minimum                             |
|                               |           | Wage up to Step1 In<br>Applicable Job Title | Wage up to Step1 In<br>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 <sup>th</sup> year through year 15 | \$1,100 |
| Beginning the 16 <sup>th</sup> year through year 19 | \$1,400 |
| Beginning the 20 <sup>th</sup> year through year 23 | \$1,700 |
| Beginning the 24 <sup>th</sup> year through year 27 | \$2,000 |
| Beginning the 28 <sup>th</sup> 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 20 days after the first publication thereof after final adoption as provided by law.
- B. All salary or compensation provided for and by this ordinance shall be effective the first day of January.

Adopted: July 20, 2021

Additions are underlined \_\_\_\_\_

Deletions are bracketed [ ]

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 OF LAWRENCE TO REVISE SECTION 522 DRAINAGE AND STORM WATER MANAGEMENT"

Ordinance No. 2399-21

ORDINANCE AMENDING THE
LAND USE ORDINANCE
OF THE TOWNSHIP OF LAWRENCE
TO REVISE SECTION 522
DRAINAGE AND STORM WATER MANAGEMENT

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 of the Township to fully ensure the municipality's continued ability to comply with the New Jersey Department of Environmental Protection Standards; and

WHEREAS, these amendments to the Land Use Ordinance and the adoption of new state compliant regulations for Stormwater Management are necessary to meet new regulations adopted by New Jersey Department of Environmental Protection; 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 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 Appendix A which contains the Municipal Stormwater Management Plan and therefore favorably recommends to the Township Council that 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:

§522

Drainage and Storm Water Management.

[Ord. 1873-06, 2/7/2006]

A. Purpose. It is hereby determined that the lands and waterways within the municipality are at times subjected to flooding; that such flooding is a danger to the lives and property of the public; that such flooding is also a danger to the natural resources of the municipality, the county and the State; that development tends to accentuate such flooding by increasing storm water runoff due to alteration of the hydrologic response of the watershed in changing from the undeveloped to the developed condition; that such increased flooding produced by the development of real property contributes increased quantities of waterborne pollutants and tends to increase channel erosion; that such increased flooding, increased erosion, and increased pollution constitutes deterioration of the water resources of the municipality, the county and the State; and that such increased flooding, increased erosion and increased pollution can be controlled by the regulation of storm water runoff from such development. It is therefore determined that it is in the public interest to regulate the development of real property and to establish standards to regulate the discharge of storm water runoff and encourage groundwater recharge from such developments as provided in this Ordinance. This ordinance shall apply to major development as defined in N.J.A.C.7:8-1.2 and any project that will increase stormwater runoff by one (1) cubic foot per second in the 100-year event.

B. Storm Water Management Goals. Storm water management plans submitted pursuant to Article VIII or as required by the Municipal Engineer shall comply with N.J.A.C.7:8 and the New Jersey Stormwater Best Management Practices Manual (Appendix D, Section IX) shall demonstrate careful consideration of the general and specific concerns, values and standards of the municipal master plan and applicable county and State storm drainage control programs, and any county mosquito commission control standards, and shall be based on environmentally sound site planning, engineering and landscape architectural techniques. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity and groundwater recharge. Land subject to periodic or occasional flooding (floodplain hazard areas) shall not be developed in such a way to endanger life or property or aggravate the potential for flooding. Such land shall be reserved for open space or other similar uses. (See also §427.)

C. Best Available Technology (BAT) Required. Development shall use the best available technology to minimize off-site storm water runoff, increase on-site

infiltration, improve water quality, simulate natural drainage systems, and minimize off-site discharge of pollutants to ground and surface water and encourage natural filtration functions. Best available technology may include measures such as [extended detention basins], infiltration basins, manufactured treatment devices, pervious paving systems, bio-retention areas, contour terraces swales and other measures described in the New Jersey Stormwater Best Management Practices manual. See N.J.A.C. 7:8 Chapter 5 for details on which measures may be used to address water quality, water quantity and groundwater recharge standards, individually or in combination.

- D. Lot Grading. Lots shall be graded to secure proper drainage away from buildings and into streets. Additionally, drainage shall be provided in a manner which will prevent the collection of storm water in pools or other unauthorized concentrations of flow, and water shall not flow across adjacent property lines unless specifically approved by the Municipal Engineer. The Municipal Engineer may direct the installation of a piped under drain system and soil stabilization fabric within roadways, drives and parking lots if deemed necessary. [Ord. 1810-04, 9/21/2004]
1. Grading in lawn areas shall meet the following minimum standards:
 - a. Provide a minimum of 6 inch drop in the first 20 feet from a building.
 - b. Overland grades throughout the site shall be a minimum of 2%.
 - c. Grades for swales shall be a minimum of 1%
 - d. Maximum slopes on residential lots shall be 5:1 (horizontal: vertical) except where approved by the Municipal Engineer.
 2. All work shall be in accordance with the established design standards of the municipality and as required by the Municipal Engineer.
- E. Storm Water System Strategy and Design.
1. Intent. The system shall be adequate to carry off or store the storm water and natural drainage water which originates not only within the lot or tract boundaries, but also that which originates upstream of the lot or tract boundaries and normally flows through the tract. Storm water run-off, natural drainage water or water discharged from any source shall not be so diverted as to overload the existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands without proper and approved provisions being made for managing these conditions.

2. Prohibited Design. Over the sidewalk, under the sidewalk and/or through the curb drains for the purpose of routing the discharge from sump pumps is prohibited. These facilities must outlet into an adequate water course or drainage system as approved by the Municipal Engineer. Roof leaders must be connected to an approved drainage system as approved by the Municipal Engineer. In the absence of a practical outlet for either sump pump or roof leaders, other systems, such as drywells, as approved by the Municipal Engineer may be used. Drywells shall be setback from all property lines a minimum of 10 feet.
 3. Stormwater management measures. Techniques, designs and performance standards for stormwater management water shall be in accordance with N.J.A.C. 7:8-5 and N.J.A.C. 5:21 and shall utilize the New Jersey Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and quantity standards.
 4. Soil testing is required for all proposed infiltration basins, bio-retention basins, porous paving systems and drywells. Testing shall be witnessed by the Municipal Engineer, unless such requirement is waived. The testing shall confirm the permeability of the soils, depth of the water table and seasonal high water table. The design shall provide the required separation from the seasonal high water table per the BMP Manual.
 5. Whenever possible, all lots shall be designed to provide positive drainage to the roadway facility fronting same without flowing onto or across adjacent property. Where this is impractical, the disposal of storm drainage through adjacent properties shall be through easement areas by underground piping and inlets, swales, et cetera. The depth of standing water at the pavement gutter line shall not exceed 9 inches for a 100-year storm event.
- F. Storm Water Management Storm water management shall be required for all tracts except as subsequently noted below and shall be designed to provide adequate storage of storm water runoff for a 100-year storm event with water quality, infiltration, pollution control, safety standards and other measures as required by N.J.A.C.c.7:8. Additional requirements include:
1. Basin required. A basin or other stormwater approved control method shall be required if site improvements will increase storm

water runoff by one (1) cubic foot per second (CFS) in the 100-year storm event. Low impact development techniques shall be utilized to limit the creation of runoff.

2. Permitted basin location. All storm water management basins shall conform to the following siting requirements.
 - a. Any storm water management basin in a residential zoning district shall be located within the setbacks for a principal building on the lot. For the purposes of this sub-paragraph, a residential district shall also include the PVD-1, PVD-2 and MX-1 zones. For purposes of determining compliance, the setback shall be measured from the toe of an exterior slope of the bermed edge of a basin or, when the edge is not bermed, the water's edge reached in a 100-year storm event, whichever provides the greater setback.
 - b. In accordance with §525.H. I .c, no storm water management facility, including basins, shall be located within a required landscape buffer.
3. Use of retaining walls. No storm water management facility shall make use of retaining walls unless approved as part of a formal landscaping plan under sub- paragraph -5 below or if located in the interior of a basin and not visible from a public right-of-way or adjacent property (whether developed or undeveloped) from ground level.
4. Naturalistic design required for detention. The detention area shall be graded creatively to blend into the surrounding landscape and imitate a natural depression with an irregular edge. Linear or geometric shapes are to be avoided unless approved as part of a formal landscaping plan under sub-paragraph -5 below.
5. Formal design permitted for retention. The design for stormwater retention facilities may use a variety of landscape forms, including formal reflecting pools, fountain features, and naturalistic lakes and ponds. Retaining walls may be utilized when essential to formal landscape designs which incorporate water features and/or stormwater management functions.
6. Conveyance. Detention basins shall be designed to convey all runoff from the 100- year storm event from the basin without creating adverse impacts on property. Backwater impacts from the filling of the basin shall also be considered in the design of the facility.

7. Detention basins shall discharge into a stable outfall structure, whether natural or manmade. Stability calculations based on the 100-year storm outflow shall be required showing adherence to Soil Conservation Service standards.
 8. Any storm water facility approved as a part of site plan or subdivision application shall be constructed and functioning prior to the issuance of a building permit for construction of a building. In the event that an approved site plan includes the renovation or adaptive reuse of an existing building, the Municipal Engineer shall have the discretion to waive strict compliance with this sub-paragraph.
 9. An agreement for the ownership and maintenance of detention facilities serving two or more lots, with cross easements, shall be furnished to the satisfaction of the Board of Jurisdiction.
 10. Detention basins shall be constructed on individual lots (not part of a residential building lot) in all residential subdivisions and may be constructed within an easement in all residential minor subdivisions.
 11. For development with less than one-quarter($\frac{1}{4}$) acre of new impervious surface coverage, a deed restriction shall be established which limits the total new impervious surface coverage to less than one-quarter($\frac{1}{4}$) acre. This impervious surface coverage limitation shall be applied to the subject lot or equally distributed between all lots within a subdivision, as deemed appropriate by the Board of Jurisdiction.
- G. Landscaping. Stormwater management areas including retention and detention basins, drainage ditches and swales, and wetland areas shall be landscaped in accordance with the standards in §525 and shall contain indigenous species to the maximum extent practical. This may involve integration of these areas as aesthetic landscape features, naturalized wetland areas, or active and passive recreation areas, in addition to their stormwater management function. Detention and retention basins should be located in cleared areas where reasonably feasible.
- H. Stormwater Facility Maintenance (See also §529.I)
1. Maintenance of the stormwater facilities shall be the responsibility of the owner of the property upon which the [detention] facility is located. A maintenance manual, prepared in accordance with N.J.A.C.7:8-5.8 is required and shall be recorded with the Mercer County Clerk's Office. Annual maintenance reporting requirements shall be included as required by the Municipal Engineer. The owner may be a

homeowner's organization or an open space organization established for the purpose of owning and maintaining common lands and facilities including conservation, open space, floodplain, drainage, recreation and park areas and shall be in accordance with *N.J.S.A. 40:55D-43* and the following provisions except that, under certain conditions, the municipality will maintain the [detention] facility, subject to the conditions as defined herein. See also §529 for provisions concerning the establishment of homeowners' associations for open space.

2. Membership in any homeowners or created open space organization by all property owners shall be mandatory. Such required membership in any such organization and the responsibilities upon the members shall be in writing between the organization and the individual in the form of a covenant with each member accepting liability for a pro rata share of the organization's costs and providing that the municipality shall be a party beneficiary to such covenant entitled to enforce its provisions. The terms and conditions of said covenant shall be reviewed by the planning board attorney prior to final approval.
3. Executed deeds shall be tendered to the municipality simultaneously with the granting of final approval stating that the prescribed use(s) of the lands in the common ownership shall be absolute and not subject to revision for possible future development.
4. The homeowners or open space organization shall be responsible for liability insurance, municipal taxes, maintenance of land and facilities and inspection and certification of facilities that may be erected on any land deeded to such organization and shall hold the municipality harmless from any liability.
5. Any assessment levied by the homeowners or open space organization may become a lien on the private properties in the development. The duly created organization shall be allowed to adjust the assessment to meet changing needs and any deeded lands may only be sold, donated or in some other way conveyed to the municipality for public purposes only.
6. The homeowners or open space organization initially created by the developer shall clearly describe in its bylaws the rights and obligations of any homeowner and tenant in the planned development, along with the covenant and model deeds and the articles of incorporation of the association prior to the granting of final approval by the municipality.

7. Part of the development proposals submitted to and approved by the municipality shall be provisions to ensure that control of the homeowners or open space organization will be transferred to the individual lot owners in the development based on a percentage of the dwelling units sold and/or occupied, together with assurances in the bylaws that the organization shall have the maintenance responsibilities for all lands to which they hold title.
8. Should the proposed development consist of stages, the Board may require that acreage proportionate in size to the stage being considered for final approval be set aside simultaneously with granting of final approval for that particular stage, even though these lands may be located in a different section of the overall development.
9. In the event that the facility becomes a danger to public safety or public health, or if it is in need of maintenance, the municipality shall so notify in writing the responsible person. From that notice, the responsible person shall have 14 days to affect such maintenance and repair of the facility in a manner that is approved by the Municipal Engineer or his designee. If the responsible person fails or refuses to perform such maintenance and repair, the municipality may immediately proceed to do so and shall bill the cost thereof to the responsible person.
10. In certain situations, the municipality's governing body may accept the ownership and maintenance responsibilities of detention facilities subject to conditions including but not limited to the following:
 - a. Where the only facility requiring homeowners' organization maintenance is the detention basin, the governing body may consider assuming ownership and maintenance responsibilities upon agreement with the developer to pay the pro-rata share of the cost to maintain the detention facility at the time of the granting of a certificate of occupancy. The pro-rata share of cost shall be the total estimated cost of such maintenance including insurance, inspections, and certifications as required by State and local rules and regulations in accordance with a formula on file with and calculated by the Municipal Engineer.

I. Easement Requirements. See also §527, Land Use Restrictions.

1. Where required by the municipality, if a lot or tract is traversed by a watercourse, surface or underground drainage way or drainage system, channel, stream or drainage swale, there shall be provided and dedicated a drainage right-of-way easement to the municipality or other owners of private underground drainage system conforming substantially with the lines of such watercourse or drainage system and of such width or construction or both as will be adequate to accommodate expected storm water runoff in the future, based upon reasonable growth potential in the municipality and in any event, meeting any minimum widths and locations shown on any adopted Official Map or Master Plan. Such easement dedication shall be expressed on the plat as follows: "Drainage easement granted to for the purposes provided for and expressed in the Land Use Ordinance of the Township."
2. No structures, trees, shrubs or obstacles of any kind shall be installed within the limits of the drainage easements and such prohibition shall be recorded as such in the easement deeds. Fences may be constructed in drainage easements under Lawrence Township jurisdiction if the following conditions are met:
 - a. Fence must cross easement at 90° angle.
 - b. Access opening 16' in width must be provided via either removable sections or gates.
 - c. Lower edge of fence must be minimum 6" above the ground for width of the easement.
 - d. No other structures, grade alterations or landscaping may be installed in the easement.
 - e. Access for Township personnel will be provided upon reasonable notice. Owner is responsible for removing fence sections, unlocking gates, etc.
 - f. Fence may not be constructed directly above a drainage pipe along a property line.
 - g. An agreement summarizing the above conditions must be recorded in the Mercer County Clerk's office. Proof of recording is required prior to issuance of a building permit.
 - h. Fences may be constructed in easements under other agency jurisdiction if written authorization from easement owner is provided.

Adopted: July 20, 2021

Additions 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 BY THE TOWNSHIP OF LAWRENCE IN MERCER COUNTY, NEW JERSEY RESTRICTING THE OPERATION OF CANNABIS BUSINESS WITHIN ITS GEOGRAPHICAL BOUNDARIES TO CERTAIN DESIGNATED TO CERTAIN DESIGNATED AREAS AND ZONES"

Ms. Martha Friend, 976 Lawrenceville Road, thanked the Council for opting in and adopting the Cannabis Ordinance tonight as it speaks highly of the Township values. She indicated in speaking with a member of Council from Princeton, they decided to opt out (briefly) to allow themselves more time to review the matter, and she suggested they talk to Lawrence Township Council being they seem to have already studied the matter.

Councilman Bobbitt stated he would like to thank Mr. Gene Truncellito for his letter to Council in opposition to the Cannabis Ordinance 2400-21. He indicated although it was a lengthy letter, it was very tactful in laying out his opinion and feelings about the Lawrence Township opting in to allow cannabis businesses in the Township. He indicated he appreciates the dialogue from residents even if he does not agree, and he just wanted him to know that his letter was received and duly noted by the Council.

Edward Wiznitzer, 118 Darrah Lane, stated he has been waiting 50 years for this Ordinance, and it is high time it has come along, as he has known so many people whose lives were destroyed and ruined by draconian marijuana laws all over the country. It has been a terror in terms of people losing their education, careers and spending time in jail because they smoked something that the law said they should not smoke. And, he knows from conversation that the Council has done a lot of work in planning for this and evaluating the possibilities in terms of suitable locations, volume and the number of facilities that are appropriate for the Township, and he applauds them for the excellent job they have done.

Mr. Wiznitzer questioned if Zen Leaf is an existing licensed medical dispensary and whether the dispensary would be eligible to apply for another recreational license. Because, if they are granted such a license, they would be depriving another one of the two businesses that the Township is allowing and eliminating their competition which is something he would like the Council to think about when the regulations come out. Councilwoman Lewis replied “yes” Zen Leaf is a licensed medical dispensary. As for the recreational license, it would be up to the State as to whether the business would be able to apply for another license, and the State has not created the regulations to have any of those licenses as of yet. And, as previously discussed by Mr. Roskos, there will be several revisions over time, this Ordinance just creates a floor for what they can do over the next 5 years so they can meet the State requirement. Thereafter, Mr. Nerwinski provided a summary of what is proposed in the Ordinance as it relates the number of licenses that can be issued in a specific location.

Ordinance No. 2400-21

AN ORDINANCE BY THE TOWNSHIP OF LAWRENCE IN MERCER COUNTY, NEW JERSEY RESTRICTING THE OPERATION OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES TO CERTAIN DESIGNATED AREAS AND ZONES

**WHEREAS**, in 2020, New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

**WHEREAS**, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “*New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act*” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult-use) cannabis operations, use and possession; and

**WHEREAS**, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;

- Class 4 Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

**WHEREAS**, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, section 31b of the Act authorizes municipalities by ordinance to permit, regulate or prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

**WHEREAS**, section 31b of the Act also stipulates that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

**WHEREAS**, pursuant to section 31b of the Act, the failure to do so shall mean that for five years thereafter, the growing, cultivating, manufacturing, selling, and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

**WHEREAS**, after the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

**WHEREAS**, the governing body of the TOWNSHIP OF LAWRENCE (hereafter, the “TOWNSHIP”) has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the TOWNSHIP in particular, it is

at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the TOWNSHIP's residents and members of the public who visit, travel or conduct business in the TOWNSHIP, to designate certain areas and land use zones within the TOWNSHIP in which the six marketplace classes of licensed cannabis-related businesses may operate within the geographic boundaries of the TOWNSHIP; and

**NOW, THEREFORE, BE IT ORDAINED**, by the governing body of the TOWNSHIP OF LAWRENCE, in the County of Mercer, State of New Jersey, as follows:

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors, or cannabis delivery services are hereby designated to operate within the boundaries of the TOWNSHIP as follows:

2. Mixed Use 2 (MX-2) District: the following marketplace classes of licensed cannabis businesses shall be permitted uses:

- a. Class 1 Cannabis Cultivator
- b. Class 2 Cannabis Manufacturer
- c. Class 3 Cannabis Wholesaler
- d. Class 4 Cannabis Distributor

3. Mixed Use 3 (MX-3) District: the following marketplace classes of licensed cannabis businesses shall be permitted uses:

- a. Class 1 Cannabis Cultivator
- b. Class 2 Cannabis Manufacturer
- c. Class 3 Cannabis Wholesaler
- d. Class 4 Cannabis Distributor

4. Limited Industry (LI-1) District: the following marketplace classes of licensed cannabis businesses shall be permitted uses:

- a. Class 1 Cannabis Cultivator
- b. Class 2 Cannabis Manufacturer
- c. Class 3 Cannabis Wholesaler
- d. Class 4 Cannabis Distributor

5. Regional Commercial (R.C.) District: the following marketplace classes of licensed cannabis businesses shall be permitted uses:

- a. Class 5 Cannabis Retailer
- b. Class 6 Cannabis Delivery

6. Highway Commercial (H.C.) District where the property has frontage on U.S. Highway Route 1 between Franklin Corner Road and Quakerbridge Road: the following marketplace classes of licensed cannabis businesses shall be permitted uses:

- a. Class 5 Cannabis Retailer
- b. Class 6 Cannabis Delivery

7. The number of Class 5 Cannabis Retailers shall not exceed two (2) in the Township at any time. Any currently licensed medicinal marijuana operator in the Township may not be denied under this provision to operate hereafter as a licensed Class 5 Cannabis Retailer or Class 6 Cannabis Delivery Service.

8. The Township shall impose a municipal transfer tax pursuant to the Act for the maximum amount allowable for: (a) receipts from the sale of cannabis by a cannabis cultivator to another cultivator; (b) receipts from the sale of cannabis by one cannabis establishment to another cannabis establishment ("Cannabis establishment" is defined as a cannabis cultivator, manufacturer, wholesaler, or retailer); (c) receipts from the retail sales of cannabis by a cannabis retailer to consumers.

9. Any article, section, paragraph, subsection, clause, or other provision of the Lawrence Township Municipal Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

10. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

11. This ordinance shall take effect upon its passage and publication and filing with the County of Mercer Planning Board, and as otherwise provided for by law.

Adopted: July 20, 2021

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

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

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## **Manager's Report –**

Mr. Nerwinski submitted invoice listings for the month of July 2021 in the amount of \$1,033,148.65.

Mr. Nerwinski reported that the Pit Stop building has finally been removed from the community as part of their process working with New Jersey Department of Environmental Protection from the grant funding they received. And, with the building being down, it will allow their environmental consultants to study the ground underneath the footprint of the building and provide the Township with an estimate in terms of what is contaminated and will require remediation, which will determine the basis for an additional grant that they would be submitting for funding. He indicated that the Township does not own the property nor do they want to until it is certified clean by the NJDEP. So, the plan they put in place is working out the way it is supposed to, it has taken a little longer than anticipated; but, every signal they are getting from the DEP is positive as how things will work out going forward.

Mr. Nerwinski publicly apologized the members of GEPNA for not informing them when the Pit Stop was going down. He indicated he did spread the word through the Township's Facebook page and Twitter; but they did not want to create such a huge event being the bulldozing of the site was done by another company and not controlled by the Township. And, if the crew had any delays and the Township created an event it could have led to an embarrassing situation...so they instead did Facebook live so people could see, and he will keep them informed of the progress.

Mr. Nerwinski stated the Hero Dog Park on Ohio Avenue, regrettably, did not make the finalist cut for the grant from Pet Safe; but, he did speak with the Municipal Engineer and they will be putting together an RFP to hire a consultant to prepare a Concept Plan and determine what the cost will be to move forward with the project. They plan to push forward as planned which can be done over a period of time and not be costly. The intent is to make that park a more active park for the community. Councilman Bobbitt asked for clarification as to the location of the Dog Park. Mr. Nerwinski replied Hero Dog Park will be located in Hamnett Memorial Park on Ohio Avenue in south Lawrence near the Brunswick Circle.

Mr. Nerwinski reported they are moving the Construction Department's licensing program into current times and they are meeting with potential vendors for software to make it more user-friendly in terms of inspections. He indicated there are other larger towns who now have the ability to utilize their website to apply for certain inspections and have that process visible all the way through so that a resident or business owner can view exactly where their application is in the process as oppose to them being in the dark and having to call. Further, he and the new Construction Official, Michael Rodgers, who is on board with the plan, are very excited about this new plan; although, it will be a little bit of a challenge and transition for the department.

Mr. Nerwinski advised that they have a meeting in two weeks to discuss the details which he will provide a report on at the next meeting and that the update is part of the plan to make the new website more user-friendly and have more things to make it easier for the residents and businesses. Councilman Bobbitt thanked Mr. Nerwinski for bringing them up to modern times; something he appreciates as an architect.

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#### **Attorney's Report –**

Mr. Roskos advised at the last meeting he updated the Council on the fire hydrant status which Lawrence Township did inspections on and determined that a significant number of them were not fully operable, as they had the instance where there was house fire and the hydrant did not work. And, during Mr. Oakley's report tonight he brought to the Council's attention the fire hydrant inspections that took place Township-wide; but, he did not give them the full sense of the how many hydrants that are actually dysfunctional...well over 100 hydrants. They have made attempts to get Trenton Water Works to pay attention to this serious matter and they are not alone as Ewing Township and Hamilton Township both are experiencing the same problems. So, given their lack of response, he is amending the Complaint that the Township previously filed in Superior Court against TWW to add a new Count of what should be a basic service for a water utility to provide to its customers being fire safety is something the town pay for and expect and for a fire department to show up at a house and not have the use of a fire hydrant that is sitting right there because it is dysfunctional is a public safety issue that the Township cannot allow to happen. Mr. Nerwinski noted that there are other water companies that service Lawrence Township where that problem does not exist.

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#### **Clerk's Report –**

Ms. Norcia reminded everyone again that their 2021 Annual Financial Disclosure Statement needs to be filed if they have not already done so.

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#### **Unfinished Business –**

There was no unfinished business.

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**New Business –**

Councilwoman Lewis stated as they start to return to normalcy from the pandemic they have seen a lot of wonderful things that folks in the community have done during the last 18 months and before COVID; and, who will continue to support each other beyond COVID. Therefore, she was thinking now that they have a new website they might be able to find a way to recognize some of those folks by utilizing the Township website to highlight the volunteers in the community who have done great work and tell the wonderful stories. She indicated National Volunteer Day is in September and it would be great if they could do it as part of that rollout which gives the Municipal Manager a whole month and half to work on. In addition, she thinks it is a really great way to give community members a way to nominate someone in the community that has done something to help them or others in the community. She then asked the consensus of the Council. There were no objections.

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

Ms. Teresita Bastides-Heron, 78 Meriline Avenue, advised that she lives in south Lawrence and she is chair of the Human Relations Committee and President of the GEPNA Association and she has a question for Councilman Ryan as it relates to his comments regarding the Human Relations Committee not replying to his emails. She stated last month when Councilman Ryan mentioned the problem relative to his emails not being responded to everyone turned to each other baffled as to what he was referring to...so, he is lying. She then asked Councilman Ryan if he thought he was better than her that he asked the Municipal Clerk to inform her that he would not be attending the meeting tomorrow instead of contacting her himself when she is the Chair of the Committee and he has both her email and telephone number. She stated whether he likes her or not, she is still the Chair of the Human Relations Committee and as a government official there is a proper way of conducting business.

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**Resolutions**

Resolution Nos. 233-21 (18-A.1) through 263-21 (18-H.13) with the exception of Resolution No. 255-21 (9.A Bid), Resolution 258-21 (9.B Bid), Resolution 259-21 (9.C Bid) and Resolution No. 244-21 (18-D.1 Recreation Refunds) and Resolution 260-21 (18-H.13 Previous Adopted) were 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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Resolution No. 244-21 (18-D.1), Authorizing the Refund of Recreation Refund Fees, was approved by the following roll call vote:

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

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

Council Initiatives/Liaison Reports –

There were no Liaison reports.

Written Communications –

- A. Letter from Gene Truncellito Regarding the Cannabis Ordinance – Discussed under Cannabis Ordinance No. 2400-21.

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

7:29 p.m.

Respectfully submitted by,

Kathleen S. Norcia, Municipal Clerk

Attest:

James S. Kownacki, Mayor