

REGULAR MEETING  
LAWRENCE TOWNSHIP COUNCIL  
LAWRENCE TOWNSHIP MUNICIPAL BUILDING  
COUNCIL MEETING ROOM – UPPER LEVEL

July 17, 2018

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, July 17, 2018, at 6.00 p.m.

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

At the commencement of the meeting Mayor Bobbitt 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 17, 2018, 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 26, 2017.

The roll was then called as follows:

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

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

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Special Proclamations, Recognitions and Presentations

**Police Chief Mark Ubry and Community Relations Officer Chris Moriarity of the United States Immigration and Customs Enforcement**

Mayor Bobbitt advised that the presentations by Chief Ubry and Officer Moriarity are not part of the public hearing on the Welcoming Resolution. It is an opportunity for the Township Council to hear from and ask questions of the two stakeholders representing the law enforcement piece of the immigration issues. For the purpose of clarification all members of Council have taken an Oath to uphold the Constitution of the United States and of the State of New Jersey and any further ordinance or resolution on this issue or any other issue should only be heard or voted upon by Lawrence

Governing Body after meeting that fundamental issue. He then invited Chief Ubry and Officer Moriarity up to the podium to speak.

Councilman Maffei inquired as to who submitted the Welcoming Resolution for Council's consideration and if the Council was aware of Ordinance No. 1691-02 – An Ordinance Amending the Lawrence Township Administrative Code to Create a Human Relations Committee, as it relates to the powers and duties of the committee and their advisory role to the Township Council. He then discussed the powers and duties of the Committee with regards to them recommending and evaluating programs directed at increasing cultural awareness, celebrating cultural diversity, promoting cultural sensitivity within the community and other tasks suggested by the Township Council; but, nothing in the ordinance stating the Committee has the right to demand the Council to adopt such as this resolution.

Mr. Powers replied that the Welcoming Resolution is a recommendation from the Human Relations Committee for Council's consideration. Mayor Bobbit reiterated that there is no Welcoming Resolution on tonight's agenda for the Council's approval. They are simply asking questions so that the Council can potentially prepare a resolution based on Chief Ubry's and Officer Moriarity's presentations. An exchange of dialogue took place amongst the Council regarding who should have submitted the proposed Welcoming Resolution to the Council and the HRC having no authority to present such a resolution and threaten the Council to adhere to their demands of adopting it by a certain time period.

Mr. Roskos indicated with regards to Councilman Maffei's point of order concerning the sponsoring of the Welcoming Resolution he will review it and if it is not properly presented by the Human Relations Committee he will so rule. But, given there is no action being taken this evening the Council can listen to the speakers, ask any germane questions then act on the matter when it is an agenda item. Furthermore, the matter can be cured by one member of Council offering the Resolution on their own. He then turned the floor over to the speakers.

Officer Moriarity greeted everyone and thanked the Township Council for having him this evening and advised that he is a Community Relations Officer only by title as he is civilian employee, non-law enforcement, who carries an iPhone, pen and sometimes a microphone which he borrows...but no gun and his job with the Department of Homeland Security is specifically with immigration and customs enforcement. As the Community Relations Officer he is 1 of 23 throughout the nation and the position was created by the former Director in 2016. He started in August 2016 building the program from scratch and he is one person for 9 million people in New Jersey and apologized for not coming to Lawrence Township sooner; something he is working on.

Officer Moriarity stated his job here in Lawrence and throughout the State is to provide information on their agency; it is not public affairs and he does not deal with the media, he deals with communities which could be a Town Council or a Human

Relations Committee, and indicated tomorrow in Middlesex County he will be meeting with their Human Services Committee Immigration Sub-Committee who hold monthly meetings with a wide variety of stakeholders. And, on Thursday he has meeting at the Elizabeth Detention Center with a group from legal services and non-governmental organizations for immigrant advocacy including the Human Rights First of New York City and he will be there with the law enforcement side of their agency. And, on Friday he will be with the Field Office Director meeting with Congressman Smith at his office in New Jersey to talk about immigration enforcement.

So, basically, his job is to go to the different communities and talk with people about immigration enforcement, answer any questions they might have and welcome the opportunity to come back to have more of a roundtable to answer questions and for the those in the audience he welcomes the opportunity and advised that he loves the area as he grew up in New Jersey but now lives in Monmouth County; his wife went to school in Lawrence right down the road and it is a beautiful area that he enjoys. Specifics to the Fair and Welcoming Resolution is out of his lane so he will not touch that; but he thinks it is wonderful whether they are in Lawrence Township or any other county or town throughout the State or Country that they celebrate diversity and that they are fair and welcoming to all community members whether they are citizens of this country or not which he believes is an important thing.

Officer Moriarity stated as for immigration enforcement and enforcing federal immigration laws, the county, local or state police do not enforce federal law; it is only done by immigration officers out in the field who have that authority under the 287 (g) Program which is the subsection of law under the Immigration and Nationality Act 1996 (INA) that provides their agents and officers with the power to execute that law. 287 (g) has programs within the confines of the jails in Monmouth County, Salem County, Cape May and Hudson County, which was removed this past year, where correctional officers in correctional facilities are specifically trained and have oversight from their agency to identify individuals who come into the jail and do the preliminary encounter with those individuals which is then passed down to their officers, and then they proceed. Immigration Enforcement only exists within the jails so there are no officers whether it be the Lawrence Township Police Department, the County Prosecutor's Office or the State Police who enforces or executes immigration laws and advised of a Directive that came down in 2007 from then Attorney General Anne Milgram with information on how the police departments should question people on their immigration status which he will let the Police Chief speak on. He then opened the floor for questions.

Mayor Bobbitt questioned how I.C.E. goes about immigration procedures in a town. Officer Moriarity stated they have the Targeted Enforcement Operations where their officers know who they are going to arrest. The person of interest is identified ahead of time so it is not officers in an unmarked car rolling down Main Street and then knocking on a random door. They know who they are targeting as they prioritized the criminal alien, which is a term in the 1996 INA Law which is an illegal immigrant, undocumented, and the preferred term by community groups is an individual in the country without authorization.

Mayor Bobbitt also inquired about the 100 mile radius from water and borders as it relates to immigration status. Officer Moriarity replied that there are multiple agencies within the Department of Homeland Security such as FEMA, US Secret Services, Customs and Border Protection (CBP) who are at the border and their jurisdiction can go 100 miles inland. He additionally indicated he does not work for those agencies so he does not want to misspeak on their behalf; but, I.C.E. has two components – Enforcement and Removal Operations (ERO) which everyone associates with ICE and Homeland Security Investigations (HIS) which does criminal investigations for crimes that have an international nexus - such as human trafficking, drug/narcotic trafficking, financial crimes, child exploitation cases, which they do a lot of in New Jersey, and those types of cases being considered interior enforcement which goes within the interior for the United States and no 100-mile radius for those individuals.

Councilman Maffei thanked Officer Moriarity for the presentation and questioned how he would define the policy regarding catch and release. Officer Moriarity advised that he is present this evening to introduce himself and give a short presentation on who he is and what he does; but, not to answer questions on specific polices within the various departments of Homeland Security which is a whole other matter and not a simple short explanation. He is like a liaison that points people in the right direction and an expeditor of resources, so if he does not have the answers to their questions tonight he would be happy to follow-up with an email. An at length discussion followed relative to Councilman Maffei's question and Officer Moriarity being present to shed some light on what Lawrence Township and other communities in New Jersey are dealing with in terms of how his office interacts with local police department so that the Township could get a better understanding of how the Fair and Welcoming Resolution will impact Lawrence police when it comes before Council for a vote.

After the discussion, Officer Moriarity explained in detail how his office, as part of the Federal government, would notify and interact with the Lawrence Township Police Department when executing an arrest if the Council chooses to adopt the Welcoming Resolution and how other county, federal and state agencies interact with Homeland Security in the process of making arrests dealing with immigration. In closing, Officer Moriarity stated he would like to come back at some point to do a PowerPoint presentation with a question and answer session that he has done in other communities that would answer a wide variety of their concerns. He then turned the floor over to Chief Ubry.

Police Chief Ubry greeted everyone and stated in his 30 years of being in law enforcement immigration issues and the way the Police Department handles it has not really changed that much and the rules regarding the enforcement of immigration laws are posted on the police page of the Township's website in the left-hand column. The policy is three pages long, four counting the cover sheet, and the details are very brief. With regards to Officer Moriarity's presentation, it was just about 100-percent accurate they do not arrest people on detainers under Federal law. They only arrest and deal

with people with warrants issued by a judge in New Jersey and that is the limit of what the police does as far as immigration laws in Lawrence Township.

Chief Ubry advised that they do have a regional information system in Hamilton which they call the ROIC and all criminal operations that happen outside of the towns like Lawrence going into Princeton has to be de-conflicted through the ROIC. So, if a Federal agency is coming in and they have to de-conflict then the Lawrence Township Police Department gets a call and they send out a marked car to assist in case anyone gets hurt and to alert neighbors in case they hear something during an I.C.E. operation being I.C.E. vehicles are usually blacked out. Another resource used by the police that was touched on by Officer Moriarity is former Attorney General Anne Milgram's Directive 2007-3, that requires law enforcement to contact I.C.E. by telephone, fax or computer if they arrest someone for a DUI or other crimes.

Chief Ubry went on to discuss the criminal justice/bail reform question that was put to the voters and has caused a lot more work for the police and totally reworks the way police officers deal with individuals that are arrested as there is no more cash bail. If a person gets arrested and fingerprinted they receive two scores, (3) three to (6) six the individual is going to jail on a warrant, below (3) three the individual gets released on a summons and has a court date. So, one is a failure to appear and the algorithm formula and the other is a new criminal activity and continued to discuss how the scoring is applied as it relates to a crime, fingerprinting process and undocumented immigrants as well as how I.C.E. sometimes, during an operation, helps undocumented immigrants who are victims of exploitation and human trafficking.

Mr. Roskos stated with regards to the Welcoming Resolution he just wanted to make sure that any action taken by the Council is not contradictory to the Directives by the former Attorney General or limits operations that the police department participates in with U.S. Immigration Customs Enforcement (I.C.E.) and asked if the adoption of the Resolution would violate any of the police department's involvement with I.C.E. Mr. Nerwinski asked Chief Ubry to clarify for the public again how the police would respond if they received a complaint about an undocumented individual.

Chief Ubry reiterated that the Lawrence Township Police Department normally stands by, offers backup, is there for the radio and to assist concerned neighbors, help others in the house and basically preserve the peace during an operation...but the actual arrest is done by the U.S. Immigration Customs Enforcement Department. With regards to undocumented persons, they will take the person's name to make sure there are no outstanding warrants and if there are no warrants they cannot do anything. They just give them the telephone number to immigration. Moreover, the police need to get a list of crime victims as their goal is to police and make everybody feel safe and a lot of times undocumented citizens could be witnesses or victims of crime and the police do not want them to be afraid to come forward and tell them what is happening given they are the good guys.

Officer Moriarity echoed Chief Ubry's sentiments relative to undocumented citizens and the importance of the community trusting the local police which he feels is paramount because if a person, whether they are a citizen or not, is a victim of a crime or domestic violence the crime should be documented by the local police; because, when they go to apply for citizenship or a visa and the crime is undocumented it can create a problem when they have to go through immigration proceedings. So, it is very important for the community to trust the local police to protect them and know resources are available so when they do come under immigration enforcement and go through federal proceedings they can be identified that way and get potential relief and proceeded to discuss a 33-page manual he sent to the Attorney General and his assistant to be distributed to all municipal police departments so that the officers know the process for submitting the forms for undocumented citizens to U.S. Citizenship Immigration Services to be adjudicated.

An at length question, answer and comment period followed between Chief Ubry, Officer Moriarity and the Township Council relative to what police officers are allowed and not allowed to ask a person regarding their immigration status during a stop and how the fingerprinting law interprets the arrest of a person for DUI's and other criminal offenses. Additional dialogue took place relative to how the Fair and Welcoming Resolutions passed by other municipalities have affected community relations, I.C.E. operations and the police notification process to I.C.E. when they have to arrest an undocumented citizen with a criminal history and Directives throughout the State from various county prosecutor offices where specific crimes are honored by the I.C.E. detainer.

In closing, Mr. Nerwinski advised that he served as Lawrence Township Municipal Court Judge for (7) seven years and they had many cases where undocumented citizens came in and paid their municipal fines and they did not question their immigration status in this country. They were able to come in and handle their motor vehicle matters in a very respectful way and know that even in a court of law they were safe to conduct their business in terms of handling motor vehicle offenses and he is sure that the practice has continued on with the present-day Judge.

Mayor Bobbitt thanked both Chief Ubry and Officer Moriarity for the very enlightening presentation.

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### Public Participation

Prior to the opening of public participation, Mayor Bobbitt read the following caveat "The Council Meetings are held in public, they are not meetings of the public. Council meetings are to conduct the business of the Township in an open public manner. Public Participation is for members of the public to inform the Governing Body of their views. This is an important function critical to them as elected officials to listen with care as to what they have to say and to consider what they have heard from them

in their deliberations. He asks members of the public that step forward to be respectful to one another. To help maintain decorum he asked that statements be directed to him as the Chair not to anyone else so that they do not get any personal issues going. As they can imagine, it is highly challenging to give accurate responses, as Councilman Maffei has pointed out, on critical and complex issues on the spot. Questions and Comments brought up on the spot will be noted and addressed after the meeting by the appropriate party. He then opened Public Participation.

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*Ms. Judy Brickman, 7 Roseberry Court,* stated she is a Realtor with Berkshire-Hathaway Home Services and she is present on behalf of a real estate problem that is occurring for all realtors that are listing homes in Lawrence Township, New Jersey. The problem they are having is with Zillow; a real estate site which everybody knows and looks at and is listing Lawrence homes as Trenton and they have had problems correcting the listing and went on to review the addresses of Councilmembers that are showing up as Trenton on the site.

Mayor Bobbitt advised that the listings are from an old mailing data base. The Municipal Clerk further advised that the Township of Lawrence has an established postal identity - Lawrence Township, New Jersey 08648. Councilwoman Lewis further advised that the postal zip code was officially changed in 2007 and during those discussions it was determined that the companies themselves have to update their mailing data base and recommended that the realtors reach out to the companies and request that they update their database.

*Steve Lestition, resident of Lawrence Township,* thanked Chief Ubry for meeting with members of the community a year ago to talk about much of what he spoke about today which they are very appreciative of. They are also very appreciative of the Human Relations Committee for having brought the speakers forward to speak with them on the matter and heartened by the very large and supportive turnout at the HRC Forum back on January 17<sup>th</sup> with 60 plus people and proceeded to discuss in detail the importance of the Fair and Welcoming Resolution both locally and nationally and the Directives that the local police department has put out as to why it is vital that local and county law enforcement need the cooperation of the entire community to maintain good public order on the local level and went on to read Lawrence Township General Order on immigration laws issued in June 2017 and Mercer County Sheriff's General Order on Enforcement in May 2017 and encouraged the Council to endorse the Fair and Welcoming Resolution.

*Mr. Vincent Peloso, resident of Lawrence Township,* advised that he and his wife moved to Lawrence about 10 years ago from the Washington, D.C. area to be close to their kids and grandkids who live in the area and while living in D.C. he taught for 4 years at a university a course on Latin America History and Culture and in that course he drew a lot of students who were immigrants and the children of immigrants and they mostly talked about their grades but gradually the conversation turned to something

relative to the United States with regards to what the country is doing, what can they do in this country and how can they succeed in the United States which was very interesting to hear. The students also spoke about things that bothered them such as law enforcement and how the laws work, religion as it relates to religious attitudes and diversity, sports and them not understanding American football, but, they mostly spoke about how much they liked this country and how they wanted them and their parents to get a better understanding of the culture and the institutions in America which is why when he heard about the Fair and Welcoming Resolution he was eager to speak about it as the Resolution has everything to do with attitudes of the community towards people who are immigrants or children of immigrants and them feeling included, not excluded, and echoed Mr. Lestition's comments as to the importance of the Council endorsing the Welcoming Resolution.

*Ms. Sylvia Morrison, 3 Vander Veer Drive*, stated it is wonderful to be present this evening and hear how everybody is embracing the Fair and Welcoming Resolution which is very heartwarming and asked the Council to consider how to get the word out to the community as it relates to undocumented citizens being they want the Township at large to understand that Lawrence is a welcoming community; because before tonight's meeting she did not know where to find any of the information regarding the matter.

*Ms. Marian Zelazny, 28 Cliveden Court*, advised that she has resided in Lawrence Township for over 30 years and she moved in the Township because she perceived it as a "fair and welcoming" community and for the most part it has lived up to her expectations. And, she has always appreciated the diversity of the community and she hopes they can continue to reflect that positive attitude of Lawrence being a welcoming community to people of different cultures to live among them as long as they are law abiding citizens and proceeded to reiterate previous remarks made by Mr. Peloso relative to the importance of having a Fair and Welcoming Resolution and conveying the message to the community that Lawrence is a fair and welcoming place without having to make dramatic changes so that immigrants are not fearful as portrayed in the media. She further discussed her wanting to continue to live and show people that Lawrence has always been a welcoming place and she hopes the Council will support that idea and thanked the Council for their consideration.

*Ms. Martha Friend, 976 Lawrenceville Road*, advised that her and her husband are fairly new to the community as they recently moved to Lawrence with their three kids which she is thrilled about. She formerly lived and was raised in Princeton and she taught in the Princeton Public School system for 24 years and as an educator she supports the passage of the Fair and Welcoming Resolution as it is vital and of extreme importance in being a welcoming community, However, she would like to speak about the children and families in general who live with lots of fear for lots of reasons and for those who have family members undocumented who are living in intense fear and as a 24 year educator if adopting the Fair and Welcoming Resolution in any way could alleviate some of the deep and lasting fear that causes the kind of trauma they have witnessed nationally, then why would they not move forward with the passage of the



Welcoming Resolution given it is the most public way of showing what Lawrence Township represents as a community.

*Ms. April Armstrong, 180 Franklin Corner Road,* advised that she spoke at the last Council Meeting speaking on similar concerns that have been discussed this evening and that she lives in a community with a lot of immigrants who have directly expressed to her their fears about whether Lawrence Township is a safe place for them to live which in turn makes it a dangerous place for her which the Chief of Police addressed during his presentation as it relates to ICE operations and police presence and indicated she wants her and her neighbors to be safe. She then continued to elaborate on illegal immigrants that she has spoken with who have children that are American born and their fear of not being allowed to stay in country to raise them and her wanting everyone to know that the matter is not abstract...but very real as they have undocumented immigrants who have lived among us and have for quite some time.

*Ms. Martha Andrade-Dousdebis, 8 Overlook Drive,* spoke about being an immigrant herself who came to the United States through marriage from Canada and her working with immigrants in New York who have fled tragedies in their own countries and them coming to America and working very hard to ensure their children got a proper education and continued to discuss how she helped children of immigrants try and get into catholic schools, private schools and colleges and report and pay taxes as well as how the process of helping those immigrants enriched her life beyond her dreams. She could also tell many tales about immigrants she met and who love America probably more so than a lot of citizens born and raised in this country as they are grateful and have a sense of gratitude and generosity beyond what anyone understands; especially, when they feel welcomed. And, advised that she chose to reside in Lawrence and her experience has been nothing but pleasant and welcoming as she has made many friends and is involved with a peace movement at her church and she is an advocate and tutor for undocumented immigrants who are interested in learning English as a second language. She then thanked those who spoke on behalf of undocumented immigrants and urged the Council to adopt the Fair and Welcoming Resolution. She further suggested they think of a ways to involve more immigrants; particularly, those who do not speak English and want to feel inclusive.

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### Review and Revisions of Agenda

The Municipal Clerk requested that Resolution 260-18 (18-H.13) – Authorizing the Change in Due Date for Third Quarter Tax Payments, be included on the agenda.

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 Kownacki, Lewis, Maffei, Powers and Mayor Bobbitt.  
Nays: None.  
Absent: None.

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#### Adoption of Minutes

On a motion by Ms. Lewis, seconded by Mr. Powers, the Minutes of Closed Session Meeting of June 19, 2018 were approved on the following roll call vote:

Same was carried on the following roll call vote:

Ayes: Councilmembers Kownacki, Lewis, Maffei, Power and Mayor Bobbitt.  
Nays: None  
Absent: None.

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#### Awarding or Rejecting of Bids

Mayor Bobbitt asked for comments from the public. There being none, Mayor Bobbitt asked for comments from Council.

On a motion by Ms. Lewis, seconded by Mr. Powers, Resolution (9-A), Authorizing the Rejection of Bid for 2018 Tree Removal, was presented for adoption.

#### Resolution No. 244-18

WHEREAS, on Tuesday, July 10, 2018 bids were received and publicly opened for the project known as **2018 Tree Removal**; and

WHEREAS, one (1) bid was received, opened and reviewed by the appropriate Township Officials; and

WHEREAS, the lowest responsible bidder was US Athletic Fields, Inc. who submitted a bid in the amount of \$118,900.00, 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 this bid 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 bid received for the 2018 Tree Removal is hereby rejected pursuant to N.J.S.A. 40A:11-13.2a, b and d,

due to the fact that the bid 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 Kownacki, Lewis, Maffei, Powers and Mayor Bobbitt.  
 Absent: None.

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Introduction of Ordinances

Mayor Bobbitt read by title, an ordinance entitled, “ORDINANCE OF THE TOWNSHIP OF LAWRENCE, MERCER COUNTY, TO REPEAL AND REPLACE SECTION 901, ENTITLED “AFFORDABLE HOUSING CONTRIBUTION”, OF THE TOWNSHIP LAND USE ORDINANCE IN ACCORDANCE WITH THE CONDITIONS AND REQUIREMENTS OF THE SUPERIOR COURT OF NEW JERSEY”

Mr. Roskos advised that the Ordinance repeals and replaces Section 901 entitled “Affordable Housing Contribution” for compliance with the agreement of the settled affordable housing litigation. The Court Master asked that the Ordinance be tweaked together with the next ordinance as part of the compliance package to be completed by September 5<sup>th</sup>. He will also be bringing forth some resolutions at the next meeting that the Court Master insist be passed so they can bond for if the Trust Fund balances whines up being expended.

The Ordinance was introduced and approved on the following roll call vote:

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

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Mayor Bobbitt read by title, an ordinance entitled, “ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF LAWRENCE TO REVISE ARTICLE X, AFFORDABLE HOUSING PROCEDURAL AND ELIGIBILITY REQUIREMENTS, TO IMPLEMENT THE THIRD ROUND OF AFFORDABLE HOUSING IN ACCORDANCE WITH THE FAIR HOUSING ACT OF 1985”

Mr. Nerwinski advised that the Ordinance amends the Township Land Use Ordinance to revise Article X, Affordable Housing and Procedural and Eligibility

Requirements, to implement the third round of Affordable Housing in compliance with the law and coincides with the previous adopted ordinance. Ms. Lewis noted that Page 7 of the Ordinance was amended due to a typo and members of Council should have received a revised copy.

The Ordinance was introduced and approved on the following roll call vote:

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

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Mayor Bobbitt read by title, an ordinance entitled, “ORDINANCE AMENDING CHAPTER 9, “FEES, GUARANTEES, INSPECTIONS AND OFF-TRACT IMPROVEMENTS”, OF THE LAND USE CODE OF THE TOWNSHIP OF LAWRENCE SO AS TO CONFORM TO AMENDMENTS TO THE MUNICIPAL LAND USE LAW”

Mr. Nerwinski advised that the Ordinance amends Chapter 9 “Fees, Guarantees, Inspections and Off-Tract Improvements,” of the Land Use Code to conform with recently passed legislation ( P.L. 2017 c. 312) of the Municipal Land Use Law relative to constructors terms of inspections.

Mr. Roskos further noted for Council’s understanding and members that sit on the Planning Board, the builders’ community thinks they do not have to bond anymore but they still have to in a limited way. So, they are essentially trying to put an ordinance in place to enforce the law because without it they cannot force the constructors to bond. The bonding has been reduced for private development and public improvements still must be bonded as it was in the past and private development can now be limited to restoration and indicated if someone begins work on a site and does not complete the work the person has the ability to restore the site and do parameter landscaping. Further, the Ordinance was reviewed by Jim Parvesse, Municipal Engineer, with suggested revisions to be incorporated; but, if the Ordinance does not work out his recommendation for the Council is to implement some kind of a Developer’s Agreement on approvals to ensure each developer is doing the right thing so the matter might be revisited at a later date.

The Ordinance was introduced and approved on the following roll call vote:

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

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Mayor Bobbitt read by title, an ordinance entitled, "ORDINANCE AMENDING ORDINANCE NO. 2295-15 SALARY ORDINANCE OF THE TOWNSHIP OF LAWRENCE-UNCLASSIFIED AND/OR EXEMPT, SEASONAL EMERGENCY (NON-UNION) EMPLOYEES FOR 2018-2019"

Mr. Nerwinski advised that the Ordinance amends Salary Ordinance No.2295-18 for unclassified and/or exempt, seasonal emergency (non-union) employees for 2018-2019. The amendment relates to the interim contractual obligations for the contract of the Municipal Manager.

The Ordinance was introduced and approved on the following roll call vote:

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

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Mayor Bobbitt read by title, an ordinance entitled, "ORDINANCE AMENDING AND SUPPLEMENTING THE ADMINISTRATIVE CODE OF THE TOWNSHIP OF LAWRENCE CLARIFYING POLITICAL CAMPAIGN CONTRIBUTIONS LIMITS FOR THE AWARD OF PUBLIC CONTRACTS"

Mr. Roskos advised that the Ordinance amends, supplements and clarifies the Township's "Pay-to-Play" Ordinance regarding political contributions limits for the award of public contracts. The long overdue amendment eliminates two conflicts in two provisions of the ordinance and makes it compliant with State law and understandable to any citizen that reads it.

The Ordinance was introduced and approved on the following roll call vote:

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

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Adoption of Ordinances

Mayor Bobbitt read by title, an ordinance entitled, "ORDINANCE AMENDING CHAPTER 12 OF THE LAWRENCE TOWNSHIP MUNICIPAL CODE ENTITLED "LICENSES"

Ordinance No. 2300-18

AN ORDINANCE AMENDING CHAPTER 12 OF THE LAWRENCE TOWNSHIP  
MUNICIPAL CODE ENTITLED "LICENSES"

WHEREAS, theft of property negatively affects the residents of Lawrence Township and the surrounding area and has a negative financial impact on citizens and businesses.

WHEREAS, the Town Council believes that a thorough investigation, identification, maintenance of records, and licensing of secondhand dealers in Lawrence Township is required and would be in the interest of public safety and general welfare, consistent with and in accordance with N.J.S.A. 51:5-1 et seq. and N.J.S.A. 51:6-1 et seq; and

WHEREAS, it is the purpose and intent of this Chapter to assist law enforcement officials and victims of crime in recovering stolen precious metals, gems, gemstones, and/or other articles by requiring electronic reporting, maintenance and distribution criteria for secondhand and transient dealers; and

WHEREAS, pursuant to this Chapter, secondhand dealers of goods within Lawrence Township are hereby required to submit transaction data in an electronic format; and

WHEREAS, the use of electronic reporting systems for this type of information is common across the United States. These systems have proven to dramatically increase law enforcement's ability to efficiently collect transaction data, to make matches of sold or pawned items to stolen items, and to identify trends in the selling or pawning of stolen property.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of Lawrence, County of Mercer, in the State of New Jersey that this Ordinance entitled "Businesses Engaged in Purchasing Previously Owned Property" be amended and shall read in its entirety as follows:

**Section 1.**

**Article IV. Business Engaged in Purchasing and/or Selling Previously Owned Property**

**Section 12-23 Purpose and Intent**

- A. The purpose and intent of this chapter is to assist law enforcement officials and victims of crime in recovering stolen precious metals and other secondhand goods by requiring minimum identification, reporting, maintenance and distribution criteria for licensed dealers of these goods.

- B. No person shall use, exercise, or carry on the business, trade, or occupation of the buying, selling, or pawning of precious metals or other secondhand goods without complying with the requirements of this chapter in the exact manner described herein.

**Section 12-23.1 Definitions**

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

“ACCEPTABLE IDENTIFICATION” means a current valid New Jersey Driver’s License or Identification Card, a current valid photo driver’s license issued by another US state, a valid United States Passport, or other verifiable US Government issued identification, which will be recorded on the receipt retained by the dealer and subsequently forwarded to the local police department on request.

“DEALER” means any person, partnership, limited liability company, corporation, or other entity who, either wholly or in part, engages in or operates any of the following trades or businesses: the buying for purposes of resale of precious metals, jewelry, or other secondhand goods as defined herein; pawnbrokers as defined herein; itinerant businesses as defined herein. For the purposes of this ordinance, transient buyers, as defined herein, are subject to the same licensing and reporting requirements as any other dealers.

“ITINERANT BUSINESS” means a dealer who conducts business intermittently within the municipality or at varying locations.

“MUNICIPAL CLERK” means the statutory officer whose duties are defined in N.J.S.A. 40A:9-133 and may refer to the duly appointed clerk of the Township of Lawrence.

“PAWNBROKER” means any person, partnership, association or corporation: lending money on deposit or pledge of personal property, other than choses in action, securities, or printed evidences of indebtedness; purchasing personal property on condition of selling it back at a stipulated price; or doing business as furniture storage warehousemen and lending money on goods, wares or merchandise pledged or deposited as collateral security.

“PRECIOUS METALS” means gold, silver, platinum, palladium, and their alloys as defined in N.J.S.A. 51:5-1 et seq. and N.J.S.A. 51:6-1 et seq.

“PUBLIC” means individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.

“REPORTABLE TRANSACTION” means every transaction conducted between a dealer and a member of the public in which precious metals, jewelry, or any other secondhand goods as defined herein are purchased or pawned.

“SECONDHAND GOODS” means used goods such as antiques, gold, silver, platinum, or other precious metals, jewelry, coins, gemstones, gift cards, any tools, telephones, typewriters, word processors, GPS devices, computers, computer hardware and software, television sets, radios, record or stereo sets, electronic devices, musical instruments, sporting goods, automotive equipment, collectibles, game cartridges, DVDs, CDs, and other electronically recorded material, firearms, cameras and camera equipment, video equipment, furniture, clothing, and other valuable articles. For the purposes of this ordinance, secondhand goods shall not include goods transacted in the following manner: i) judicial sales or sales by executors or administrators; ii) occasional or auction sales of household goods sold from private homes; iii) auctions of real estate; iv) the occasional sale, purchase, or exchange of coins or stamps by a person at his permanent residence or in any municipally owned building who is engaged in the hobby of collecting coins or stamps and who does not solicit the sale, purchase, or exchange of such coins or stamps to or from the general public by billboard, sign, handbill, newspaper, magazine, radio, television, or other form of printed or electronic advertising.

“SELLER” means a member of the public who sells or pawns used goods such as precious metal, jewelry, or other secondhand goods to a dealer.

“TRANSIENT BUYER” means a dealer, as defined herein, who has not been in a registered retail business continuously for at least six (6) months at any address in the municipality where the Dealer is required to register or who intends to close out or discontinue all retail business within six (6) months.

### **Section 12-23.2 License Requirement for dealers**

No person, partnership, limited liability company, corporation, or other entity shall engage in the business of buying, selling, or pawning of precious metals or other secondhand goods, as defined above, within the jurisdiction of the municipality, without having first obtained a license therefore from the Municipal Clerk, which license shall bear a number issued by the Municipal Clerk. The application for a license to the Municipal Clerk shall set forth the name, date of birth, and address of the dealer, whether or not he or she is a citizen of the United States, and whether or not he or she has ever been convicted of any business-related crime(s), disorderly persons offense(s), or municipal ordinance violation(s), and the date(s) thereof. Advertising in any print or electronic media or by sign that any of those articles or secondhand goods referred to in 12-23.1 above are being bought in any location within the municipality shall constitute engaging in business as a dealer of secondhand goods for purposes of this chapter. No person, partnership, limited liability company, corporation or other entity shall place or cause to be placed any advertisement for purchase of such articles or goods without stating in the advertising the license number issued to a person or entity by the municipality. In any print advertisement, the license number shall appear in type no smaller than eight point in the lower-right-hand corner of the advertisement. In any advertisement in electronic media, the license number shall be visually or audibly



stated. Failure to state or indicate the license number shall be a violation of this chapter and shall be subject to the penalties established in 12-28.

**Section 12-23.3 Application process for dealers; approval or denial**

- A. Upon receipt of an application completed pursuant to this chapter, the Municipal Clerk shall refer such application to the Chief of Police, who shall make an investigation of the prospective licensee, pursuant to this chapter for the purpose of determining the suitability of the applicant for licensing. The investigation shall include, but shall not be limited to the following:
- 1) The experience of the applicant in the business of purchase and sale of those articles or goods referred to in Section 12-23.1 above, although nothing in this section shall be construed to warrant denial of a license solely on the basis of lack of experience;
  - 2) The reputation of the applicant for fair dealing in the community, which shall be made among credible sources, which sources shall be disclosed to the applicant in the event of a denial of any license;
  - 3) Any criminal record of the applicant including any past convictions for any business-related crime(s), disorderly persons offense(s), or municipal ordinance violation(s) within this or any other jurisdiction. The Chief of Police shall, as part of the application process, require a fingerprint criminal background check through the Federal Bureau of Investigation, Criminal Justice Information Services Division, which shall require an additional fee from the applicant.
  - 4) The type of operation contemplated to be conducted by the applicant, particularly whether the business is to be operated from a fixed location, whether it is to be conducted from a location primarily devoted to the purchase and sale of precious metal or other secondhand goods, and other factors bearing on whether the licensed business will be of a fixed and permanent nature. This section shall not be construed to require denial of any license solely on the grounds that the business is not from a fixed location or that the applicant is a transient buyer or itinerant business, however applicants who fall under the category of a transient buyer or itinerant business must state with specificity on the license application the business address where transaction records required by Section 12-24(D) of this chapter will be stored as well as the location where purchased goods will be retained during the mandatory inspection period required under Section 12-25(A).

- B. The Chief of Police shall complete any investigation pursuant to this chapter within thirty (30) days of the submission of the application to the Municipal Clerk, fully completed by the applicant. If a criminal record check has been requested within the thirty-day period and has not been received by the Chief of Police within that period, the Chief of Police may, if all other factors are satisfactory, recommend a conditional issuance of the license subject to the finding regarding criminal record.
- C. The Chief of Police shall, upon completion of the investigation, recommend “grant” or “denial” of the license to the Municipal Clerk, who shall grant or deny the license. Any recommendation of the Chief of Police shall be in writing and, in the case of a recommendation of denial, shall state fully and specifically the reasons for said recommendation. If the Chief of Police recommends to deny any license, the applicant shall be notified in writing within ten (10) days of such denial by the Municipal Clerk, and the Clerk shall forward to the applicant a statement of the reason or reasons for such denial.
- D. Grounds for recommending denial of license may include reliable information indicating that the applicant has in the past engaged in fraudulent or deceptive business practices in a business identical to or similar to a dealer in secondhand goods. A license may be denied if the investigation reveals a conviction of the applicant or any of its principal officers or employees of any business-related crime(s), disorderly persons offense(s) in which deceit or misrepresentation is an element; or any conviction of any crime(s), disorderly persons offense involving theft or the receiving of stolen goods, regardless of whether the applicant was a principal, accessory before the fact, after the fact, or a co-conspirator; or any prior municipal ordinance violation(s) by the applicant or any of its principal officers or employees in this or any other jurisdiction. A license may be denied if the applicant fails to demonstrate an ability to satisfactorily comply with the electronic reporting requirements specified in Section 12-24, the retention and inspection requirements of 12-25, or any other portion of this chapter. Upon receipt of the recommendation of the Chief of Police, the Municipal Clerk shall issue or deny the license accordingly, contingent upon the receipt of a bond as required by Section 12-26 of this chapter.
- E. Whenever any application for a permit is denied, the applicant shall be entitled to a hearing before a three-person panel appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such denial. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of denial of a license to act as a dealer of secondhand goods.
- F. No license shall be assignable by the dealer.

**Section 12-24 Identification of seller; recordkeeping requirements for dealers**

For every reportable transaction between a dealer and the public, the dealer shall be required to do as follows:

- A. Require of each person selling or pawning precious metals or other secondhand goods acceptable identification as defined above in Section 12-23.1
- B. Require each seller to execute a "Declaration of Ownership," which shall contain the following certification: *"My signature confirms that I am the sole legal owner of and am legally authorized to sell the goods being sold. By signing below I certify that I did not obtain and do not possess the identified goods through unlawful means. I am the full age of eighteen years and the identification presented is valid and correct."*
- C. Record and issue to each person selling or pawning such goods on a sequentially numbered receipt:
  - 1) the name, address, and telephone number of the purchaser, including the name of the clerk or employee of the licensee making the purchase;
  - 2) the name, address, date of birth, and telephone number of the seller or sellers;
  - 3) a photographed recording of the seller in a format acceptable to the Chief of Police, along with a physical description of the seller, including height and weight (approximate), hair color, eye color, facial hair, if any, etc.;
  - 4) a photographed recording of the seller's presented acceptable identification, as set forth in Section 12-23.1, in a format acceptable by the Chief of Police;
  - 5) a photographed recording of all items sold in a format acceptable by the Chief of Police. When photographing, all items must be positioned in a manner that makes them readily and easily identifiable. Items should not be grouped together when photographing or imaging. Each item should have its own photograph;
  - 6) the receipt number;
  - 7) a detailed, legible description of the item(s) and the manufacturer and model of the item(s) if known; in the case of jewelry, the descriptions must include style, length, color, design, and stones, if any; any identifying marks, including numbers, dates, sizes, shapes, initials, names, monograms, social security numbers engraved thereon, serial numbers, series numbers, or any other information, which sets apart the particular object from others of like kind;
  - 8) the price paid for the purchase or pawn of the item(s);
  - 9) if precious metals, the net weight in terms of pounds Troy, pennyweight (Troy) or kilograms/grams; fineness in terms of karats for gold, and sterling or coin for silver, in accordance with N.J.S.A. 51:5-1, N.J.S.A. 51:6-1 et seq.;
  - 10) the time and date of the transaction.

- D. The information outlined in subsection (C) above, must also be electronically documented through the use of an electronic database system authorized by the Chief of Police. Installation and training in this software will be made mandatory as of the effective date of this chapter and licensing will be conditional upon compliance with proper use of the system as described herein. These records shall be subject to the inspection of any authorized police officer or any sworn law enforcement officer acting in the performance of their duty as set forth in subsection (F) below. Through the use of the required computer equipment, and using the electronic format approved by the Chief of Police, every dealer shall enter all reportable transactions into the electronic database by the end of the close of business on the same date as the purchase or receipt of property for pawn or consignment. The information entered must contain all pertinent information outlined in subsection (C) above.
- E. In the event of a database failure, or dealer's computer equipment malfunction, all transaction information is required to be submitted on paper forms approved by the Chief of Police within twenty-four (24) hours from the date of purchase. In the event that paper forms are used, the dealer is responsible to enter all transaction information set forth in subsection (C) above into the database as soon as possible upon the dealer's equipment being repaired or replaced, or the database coming back into service. Failure by the dealer to properly maintain computer equipment in a reasonable fashion, or failure by the dealer to replace faulty computer equipment, may result in the dealer being cited for a violation of this chapter and subsequently being subject to the penalties for doing so including revocation of the dealer's license as described in Section 12-25.
- F. It shall be the requisite duty of every dealer, and of every person in the dealer's employ, to admit to the premises during business hours any member of the police department to examine any database, book, ledger, or any other record on the premises relating to the reportable transactions of precious metals or other secondhand goods, as well as the articles purchased or received and, where necessary, relinquish custody of those articles as provided in Section 12-25. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the address where these records and articles will be stored.

**Section 12-25 Retention; revocation; other restrictions**

- A. All precious metals and other secondhand goods purchased, received for pawn, or received for consignment as described above, are to be made available for inspection by the Chief of Police or designee thereof at the designated business address for a period of at least seven (7) calendar days from the date the transaction information is actually reported to the Chief of Police in the approved manner described above in Section 12-24 except for jewelry, which must be maintained for at least ten (10) business days or for the statutory period provided in N.J.S.A 2C:21-36(d). All precious metal or other secondhand goods subject to

inspection must remain in the same condition as when purchased or received for pawn and shall not be sold, disposed of, changed, modified, or melted by the dealer until the seven-day retention period has expired. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the location where the purchased item(s) are being held.

- B. Upon probable cause that goods held by a dealer are stolen, and providing that the seller signed the mandatory statement required by Section 12-24(B) upon the sale of those goods, a law enforcement officer with jurisdiction should charge the seller with theft by deception under N.J.S.A. 2C:20-4 on behalf of the dealer, who shall be considered the “victim” of the offense for the purposes of N.J.S.A. 2C:43-3. The officer shall seize the goods, provide the dealer with a receipt, and issue a criminal complaint against the seller for theft by deception and any other criminal charges for which the officer has probable cause that the seller has committed. If convicted of theft by deception and if so found by an order of a court of valid jurisdiction, the seller will be responsible for providing restitution to the dealer under N.J.S.A. 2C:44-2 for the amount paid by the dealer to the seller for the stolen goods.
- C. In addition to all other reporting requirements, every dealer shall maintain for at least five years, a written record of all purchases of precious metals and other secondhand goods in the form prescribed in Section 12-24(C).
- D. No dealer shall purchase any item covered by this chapter from any person under the age of 18 or in the absence of providing prior notification of such purchase to the Chief of Police or business designee identifying the individual from whom such purchase is to be made and the item to be purchased.
- E. Suspension. The Chief of Police or a designee thereof is hereby empowered to temporarily suspend for cause any dealer’s license and rights to operate there under. This penalty shall be in addition to any fines and penalties the dealer may incur pursuant to Section 12-28 of this chapter.
  - 1) Grounds for suspension. The following shall constitute grounds for suspension: violation of any provisions of this chapter, including failure to comply with any training or fees associated with the electronic database software system in use by the municipality; violation of any other statute, regulation, or local ordinance; or any other illegal, improper, or fraudulent activity.
  - 2) Procedure for suspension. Upon determination that appropriate grounds exist and that a suspension is warranted, the Chief of Police or a designee thereof shall issue a written notice of suspension of license to the offending dealer and to the Municipal Clerk, which shall set forth the grounds for the suspension and notify the dealer of his or her right to appeal pursuant to subsection (G). A temporary suspension shall issue immediately, pending the

outcome of any appeal taken. Suspended dealers must immediately cease engaging in the business of purchasing for resale, receiving for pawn, and/or selling of precious metals and/or other secondhand goods in the municipality until reinstatement.

- 3) Reinstatement. Suspended dealers may be reinstated only when the grounds leading to the suspension have, in the determination of the Chief of Police or the Chief's designee, been cured, corrected, or appropriately rectified; or if reinstatement is deemed appropriate by the three-person panel appointed by the Chief of Police, upon the timely filing of an appeal as provided in subsection (G).
- F. Revocation. A license issued under this chapter shall be revoked by the Municipal Clerk upon written recommendation from the Chief of Police or the Chief's designee that the dealer is no longer qualified, capable or competent to comply with the requirements of this chapter. This penalty shall be in addition to any fines and penalties the dealer may incur under Section 12-28.
- 1) Grounds for revocation. The following shall constitute grounds for revocation: a third violation under this chapter; a second violation under this chapter less than one year after an earlier violation under this chapter; conviction for a criminal offense within this or any jurisdiction; or multiple violations of any other regulations or local ordinances within this or any jurisdiction.
  - 2) Procedure for revocation. Upon a determination that appropriate grounds exist and that a revocation is warranted, the Chief of Police or the Chief's designee shall so report to the Municipal Clerk in writing. A temporary suspension will immediately and automatically issue, if one is not already in effect, pending the outcome of the charge. A three-person panel, appointed by the Chief of Police, shall review the stated grounds for revocation and hear from the dealer as provided in Subsection (G), issue an appropriate disposition of either suspension, revocation, or reinstatement. If the panel determines that revocation is the appropriate disposition, it shall set forth the grounds for the same in writing in the form of a notice of revocation, which shall be provided to the dealer. If the panel determines that suspension is the appropriate disposition, it shall provide the dealer with a notice of suspension in writing. Following revocation, the dealer must relinquish his or her license and must immediately and indefinitely cease operating as a dealer of precious metals or other secondhand goods within the municipality.
- G. Appeal. Any applicant wishing to appeal an issuance of a suspension or revocation shall be entitled to a hearing before a three-person panel, appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such suspension or revocation. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of revocation or suspension of license. The decision of the panel shall be final and binding.

H. A dealer shall have the right to change the location of the licensed business, provided that he or she notifies the Municipal Clerk, in writing, of the street address of said new location.

**Section 12-26 Bond**

Each dealer covered under this chapter shall deliver a bond to the Municipal Clerk executed by the applicant as principal and executed by a surety company authorized to do business under the laws of the State of New Jersey as surety. The bond shall be subject to review and approval by the Municipal Attorney, as defined in N.J.S.A. 40A: 9-139, and shall be in the penal sum of \$10,000, conditioned for the due and proper observance of and compliance with the provisions and requirements of all ordinances of the municipality in force or which may be adopted respecting the conduct of this business and conditioned also that the bond shall be and remain for the benefit of any person or persons who shall have received judgment against the dealer licensed under this chapter, which damage shall be established by a judgment of a court of proper jurisdiction. Said bond shall contain the following language: "The obligation of this bond shall, in addition to the Township of Lawrence, be and remain for the benefit of any person who shall obtain a judgment against obligor as a result of damage sustained in operation pursuant to any license granted under this chapter." Said bond shall be kept for a minimum of one year from the date of issuance of license and must be renewed annually along with the license.

**Section 12-27 Fees; period of license validity**

A nonrefundable fee for initial application and license for a pawnbroker or a dealer in precious metals or other secondhand goods, as covered under this chapter, is \$250. The annual renewal fee for a license is \$150. If on the effective date of this chapter a person has been in business pursuant to Section 12-23 for a period not less than five years, the fee for initial application shall be \$150, and investigation pursuant to Section 12-23.3 may be waived by the Municipal Clerk. These fees are separate from and in addition to any fees the dealer must pay in relation to the mandatory electronic database system designated by the Chief of Police, as provided by Section 12-24(D) of this chapter. The said yearly electronic database system fee shall be no greater than the annual dealer license fee. Payments are to be made in the manner directed by the Municipal Clerk. A license is valid for a one-year period from the date of its issuance.

**Section 12-28 Violations and penalties**

Violation of any provision of this chapter by any dealer shall, upon conviction thereof, be punished by a fine not in excess of the limitations of N.J.S.A. 40:49-5 or by a term of imprisonment or a period of community service not exceeding ninety (90) days in addition to a suspension or revocation of operating license as provided in Section 12-25(F) and Section 12-25(G) above. Each and every violation shall be considered a separate violation. Each violation shall result in an additional suspension period. Any

person who is found guilty of violating the provisions of this chapter within one year of the date of a previous violation and who was fined for the previous violation may be sentenced by the court to an additional fine as a repeat offender and, in addition, may be subject to revocation proceedings as provided in 12-25(G). The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this chapter.

### **Section 12-29 Disposition of Penalties Recovered**

The civil penalty shall be collected pursuant to the "Penalty Enforcement Law of 1999" P.L. 1999, c.274 (C.2A:58-10 et seq.), In a summary proceeding before the Lawrence Township Municipal Court.

A penalty recovered under the provisions of this ordinance shall be recovered by and in the name of the Township. The penalty shall be paid into the treasury of the Township of Lawrence for general uses of the municipality.

- A. Any person, partnership, limited liability company, corporation, or other entity engaging in the business of a pawnbroker, or a dealer in precious metals or other secondhand goods shall conform to the provisions of this chapter within ninety (90) days following the effective date of this chapter.

### **Section 2. Repealer**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

### **Section 3. Severability**

Nothing contained in this chapter is intended to replace any pre-existing statutory requirements governing pawnbrokers, as in N.J.S.A. 45:22-1 et seq., the sale of precious metals as in N.J.S.A. 51:6A-1 et seq., the sale of secondhand jewelry as in N.J.S.A. 2C:21-36 et seq., or any other statutory provision regarding any subject matter discussed herein.

If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.



**Section 4. Effective Date**

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

Addition Underlined \_\_\_\_\_

Ordinance No. 2300-18 was introduced and approved on the following roll call vote:

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

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Mayor Bobbitt read by title, an ordinance entitled, "ORDINANCE AMENDING CHAPTER 13 OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE ENTITLED "MOTOR VEHICLES AND TRAFFIC" AS IT PERTAINS TO GORDON AVENUE"

Mr. Nerwinski explained that the amendment removes the "no parking" restriction along the southern side of Gordon Avenue, 35 feet west of the Lawrenceville Fire House parking lot to Bergen Street, to improve and produce more parking (20 parking spaces) opportunities for customers and visitors to the Lawrenceville Main Street area and shops. The amendment also addresses the Lawrenceville Fire House safety concerns with individuals parking in their lot and hampering some of their operations and other tasks which will no longer be permitted.

Mary Lou Jani, 8 Overlook Way, advised that her property is very close to Gordon Avenue and questioned what part of Gordon Avenue parking will be allowed on. Mr. Nerwinski replied on the west side of the road where the retention basin is located.

Ms. Jani stated her second concern is about the stop sign at Gordon Avenue and Bergen Street and that she goes through that intersection everyday going to and from work and multiple times throughout the day and people come flying up and down Gordon Avenue as well as pulling out of there parking lots into Society Hill and she would like to know why there has never been consideration for a four-way stop rather than the two-way stop at that intersection which is very dangerous. Mr. Nerwinski advised that Municipal Engineer understands the problem at that intersection and they are working on a solution.

Ordinance No. 2301-18

AN ORDINANCE AMENDING CHAPTER 13 OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE ENTITLED "MOTOR VEHICLES AND TRAFFIC" AS IT PERTAINS TO GORDON AVENUE

BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that Chapter 13 of the Lawrence Township Administrative Code entitled “motor Vehicles and Traffic” be and is hereby amended as follows:

- 1. Article II – Stopping, Standing and Parking
  - a. Section 13.12 – Stopping or Standing Prohibited At All Times
    - [Gordon Avenue, both sides, from its intersection with US Route 206 to its [Intersection with Bergen Street]
    - Gordon Avenue, north side from Route US 206 to Bergen Street
    - [Gordon Avenue, south side from a point 950 feet east of the crosswalk at the [Intersection of Bergen Street to US 206]
    - [Gordon Avenue, south side from a point 950 feet east of the crosswalk at the [Intersection of Bergen Street to Route US 206]
  - [b. Section 13-16E – Stopping or Standing Prohibited Between 7:00 a.m. and 7:00 p.m., Monday through Saturday, except Holidays]
    - Gordon Avenue, south side from a point 35 feet west of the Lawrenceville Fire House parking lot driveway to US Route 206
- 2. This ordinance shall take effect twenty (20) days following its adoption and publication thereof and approval by the Commissioner of the Department of Transportation, all in accordance with law.

Deletions are in brackets [ ]  
 New material is underlined \_\_

Ordinance No. 2301-18 was introduced and approved on the following roll call vote:

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

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**Manager's Report –**

Mr. Nerwinski submitted invoice listings for the month of July 2018 in the amount of \$992,416.20.

Mr. Nerwinski advised that he would be highlighting some things the Administration is working on and the discussions will be more substantive in the coming meetings. The first is the change to the Township's website that they are aggressively pursuing and indicated they met with Civic Plus multiple times to discuss the idea and that the company came recommended by a valued source Josh, Lawrence IT Consultant, who worked with Hopewell Township and the company through the delivery of their new website and raved about the process of moving the site with the company who solely does municipal websites that included Camden, Red Bank and Cape May counties. The purpose of the change is to make the website design much more functional and interactive with resources where the town can conduct business in a more streamline way. And, an exchange of dialogue took place about having an app to go along with the new website and now that everything is on the table they are real close to entering a contract; however, he thinks it is important to explore one or two other companies out there in an effort of due diligence. The targeted date is February 2019 and he will be able to provide more information in the upcoming meetings.

The second item is the reduction of Lawrence Township's Carbon Footprint which he and Mayor Bobbitt have discussed and one of the things they have achieved is the Direct Install Program where they have modified the lights in and around the municipal building and upgraded the air conditioning units as well as other things with an anticipated savings of approximately \$52,000 per year. The second phase is the exploration of Solar Energy in a meaningful way and that they have met with the company on multiple occasions along with the Township Engineer and it is a very viable and exciting proposition. They have explored and assessed the Public Works Department, Senior Center, Municipal Building as well as the three firehouses. The Public Works building was targeted for roof paneling which is a no-brainer as the building sits back on the roadway. They recommended solar carports for the Municipal Building to be put in the north and south parking lots and addressed one of the concerns as to how the carports would look visually and advised that they look like a covered shelter that provides service to the police and the people who conduct business at the Municipal Building. He also feels it is a really good location and sends a message to the community that the Township is trying to reduce the town's carbon footprints and property taxes. The third recommendation was the Senior Center which would involve a carport that goes along the back portion where the retention basin is facing and also the takeover of that field in order for it to be self-sustaining is the use of the retention basin. And, the Center is the only location that jumps out at him that could be a barrier... but it does not face a home and there is a buffered tree line with regard to community that sits behind it so the panels will only be visible from that entrance road from the left-hand side.

Mr. Nerwinski further advised that the (3) three solar projects will be done on a lease program where Peter Kiriakatis, CFO, has done a financial assessments and it could result in significant savings over a 20 year period of time. So, if members of Council agree he would like to invite the company to come to the August meeting to give a brief presentation and a visual sense as to what they do and their vision for Lawrence Township. Also, emails were sent to the Council as to what they have in mind but the financial information at the present time could not be released because it is protected by the Confidentiality Agreement, and the project is something they will probably have to go out to bid for so it will take a little time to do. A general discussion took place relative to the number of trees that have to be removed at the Public Works facility and possible damage to the tree line, the style of the proposed carport and the Administration being proactive in reducing the Township's debt by looking more into leasing options to realize savings over a period of time and not incur additional bonding debt and the cost of leasing versus owning options.

Mr. Nerwinski reported that the Cell Tower lease work will begin shortly and for the benefit of the public the Township has a cell tower at the Police Station that has been underutilized for years so the Administration thought it would be a good idea to put it out to bid. Verizon responded back highly interested and they accepted the bid. They have now begun work on the tower and it is not being restructured as they will work within the confines of how it looks right now; it will provide better service for the public safety officers in the Police Department as they have had some issues and glitches with Verizon services in the area. The annual revenue from the lease is a little over \$30,000 and once Verizon finishes setting up and refurbishing the tower, at their expense, the Township will probably go out to bid for one or two more leases.

Mr. Nerwinski stated he was approached a while ago about exploring a Sick Bank Policy for all employees township-wide. The request came through the Police Department specifically from Lieutenant Joseph Lech about Sergeant Steve Simon who he asked to do some research on different sick bank policies that are out and around and they received (70) seventy responses from all types of county and municipal agencies and they scrutinized a lot of things down to three or four policies. Further, they are a Civil Service community so they would ultimately have to obtain the necessary approval and he informed the Police Department that the policy would have to be for all employees not just Police personnel and it will be designed for catastrophic illness of employees only and he has engaged Peter Kiriakatis, CFO, to come up with some financial scenarios. The Sick Bank Policy will provide a level of safeguard for employees once they exhaust all of their vacation and sick time and it will have a limitation of (6) six months and he and the Municipal Attorney are working on the terms and definition of catastrophic and they hope to have working documents for Council's review by the next meeting and proceeded to discuss his support of the sick bank township-wide and the procedure for donation of sick time.

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**Attorney's Report –**

Mr. Roskos stated as previously mentioned, September 5<sup>th</sup> is the final hearing and that they are closing in on this epic adventure regarding the Mount Laurel litigation and he will be bringing forth some resolutions at the next meeting for approval and hopefully that will be the end of the affordable housing matter.

Mr. Roskos advised that they prepared a revision to Chapter 10 of the Lawrence Township Administrative Code that deals with not only the Brush Ordinance but some other things relative to abandoned cars and they solicited the input of Mark Ubry, Chief of Police, Carol Chamberlain, Health Officer, and Greg Whitehead, Director of Public Works on the matter. Further, the Ordinance was distributed to Council but not put on for first reading at this meeting being there is a lot to review, and indicated if they have any questions or concerns regarding the ordinance to contact him and continued to discuss he and the Municipal Clerk attempting to codify Chapter 10 during the process and the need for Lawrence Township Administrative Code book to be codified in its entirety.

Mr. Roskos further advised that he sent over the Deputy Mayor's Ordinance for Council's review and to refresh their recollection his office reached out to the Civil Service Commission in 2004 as to the status of having a Deputy Mayor and was informed that the Township was not allowed to have a deputy mayor position; but, it was recently discovered that the advice was based on incorrect information in terms of Lawrence Township's form of government. So, in revisiting the matter they reached out again to Civil Service and after several months of dialogue they essentially agreed that the Township could have a deputy mayor provided the position remain unclassified and is consistent with the Faulkner Act and Lawrence Township Administrative Code. And, based on his understanding of the Council's wishes, is to have the position to be more ceremonial in nature so his office has prepared an Ordinance in that manner for their review and consideration and if the Council has any questions or concerns to kindly contact him.

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**Clerk's Report –**

There was no Clerk's report.

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**Unfinished Business –**

Councilman Powers stated that the Human Relations Committee spent a lot of time, effort and energy on the recommended Welcoming Resolution to the Council. The Township Attorney has now reviewed it and provided the recommended changes to the resolution and they have also heard tonight from the Chief of Police and Officer

Morality from ICE that there are no adverse effects to communities that adopt this type of resolution so he is requesting that the Welcoming Resolution be put on the agenda for the August meeting for adoption.

Councilwoman Lewis stated she seconded Councilman Powers' recommendation to move forward with the Welcoming Resolution incorporated with some of the amendments that have been presented tonight by the Chief of Police, Municipal Clerk, Township Attorney and people on the dais. Additional dialogue followed relative to the language and the spirit of the resolution.

Councilman Maffei suggested that they hold off on putting the Welcoming Resolution on the Agenda until Chief Ubry and Mr. Roskos have had a chance to work on it. Mayor Bobbitt pointed out that the Welcoming Resolution as it is written is not going to be the one placed on the Agenda and respectfully asked Councilman Maffei make his feelings known, possibly after the meeting, so they can be answered. Mr. Roskos stated they have a lot of opinions and he thinks the concern is whether the Council can act on a Resolution referred to them by a committee and suggested each member of Council submit a Welcoming Resolution that is fair and fitting and complies with the Directive of the former Attorney General for him to review. After the discussion, Mr. Nerwinski stated asking for five different versions of the Resolution might not be realistic in terms of getting it to a document and recommended that he and Mr. Roskos work on the Welcoming Resolution together to revise it to suit the tone of what Lawrence Township and its employees represent.

Mayor Bobbitt agreed with the Municipal Manager with regards to him and Mr. Roskos working on an amended version of the Welcoming Resolution as well as his opinion as to the tone of the Resolution as presented by the committee and that the Township Council appreciates what all the staff does including the Municipal Clerk and the Municipal Manager and the last thing they want to do is create a resolution that is at odds or causes offense to the staff.

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### **New Business –**

Mr. Powers stated he knows the Mayor acknowledged the Lawrence Little League team but they also received an email from Nancy Pollard about doing a Proclamation for the Little League and asked that the request be taken under advisement.

Mr. Nerwinski reported that Mercadien. P.C. conducted the 2017 Municipal Annual Audit Report and everything is satisfactory and no issues of material concern were presented. Copies of the Report were formally distributing to members of Council and if they have any questions to please follow-up afterwards with him or Peter Kiriakatis, CFO.

Ms. Norcia further reported that the 2017 Annual Audit Report has been published and she will bring forth a Resolution that the Township Council has read and familiarized them self with the Audit.

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

*Ms. Mary Lou Jani, 8 Overlook Way*, stated in the northern section of town where there are lots of fields and trees and the Mercer County Park, a beautiful part of town, they have a major problem with the unwanted deer population that is eating and destroying her landscaping, running unheeded and causing a major health crisis with ticks and disease and asked if the Township had any plans to address the issue; and, if not, they need a plan.

Mr. Nerwinski replied ‘no’ being the deer population is a State issue and not part of the Health Department’s purview of control in weeding them out or a municipal obligation. Additional discussion took place relative to various options to alleviate the problem.

*Ms. Martha Friend, 976 Lawrenceville Road*, discussed the closing of the Acme Supermarket in the Lawrence Shopping Center and the appearance, on-going problems with store closures and the downward spiral of Shopping Center and inquired as to the future plans for the Center.

Mayor Bobbitt stated the Municipal Manager can speak in more detail on the matter but he spoke with Cooper Pest Control who are new to the Shopping Center and Joan Brame who owns Empower Fitness and serves on the Growth & Redevelopment Committee and both are fans of the new owners. Unfortunately, the renovation process will take time which he knows no one wants to hear.

Mr. Nerwinski further explained that the Lawrence Shopping Center has been around for 50 or 60 years and over the last 10 years it has been a distressed Shopping Center in receivership. And, over the course of the last six or seven years, prior to December 2016, the Shopping Center has been managed by a company with the sole motivation of collecting the rent and dealing with the tenants, with no incentive to invest in the property; however, in 2016 J.J. Incorporated, a 50 year family-owned company, who specializes in turning distressed shopping retail into vital retail, purchased the property and the key fact that he has been stressing to everybody is that in 50 years of business they have never sold an asset that they have acquired...so they are stayers. Further, he has met with them multiple times and they shared with the Township their vision and plans in terms of the money they plan invest into the rollout that is expected to happen soon which includes façade changes that is happening right now and if approved by the Planning and Zoning Boards, L.A Fitness Center, will go where the old furniture store was located which will be a game changer as it will bring a lot of visitors to the Shopping Center and possibly a lot of business and proceeded to discuss his

confidence in the new owners and the benefits relative to the revitalization of the Shopping Center.

Mr. Paul Larson echoed the same comments as the previous speaker with regards to the deer population problem and indicated that he lives on a deer super highway that frustrates him to no end and if it was legal to do so he would buy a crossbow and take matters into his own hands and proceeded voice his frustration with the deer taking out three-quarters of his perennial beds that are in bloom and looks great and the various methods he has tried to eliminate the problem.

Mr. Larson reported on Friday, September 14<sup>th</sup> at 7:00 p.m. in the Heely Room at The Lawrenceville School there is going to be a lecture on David Brearley; one of the founding fathers who signed the U.S. Constitution and was born here in Lawrence Township and asked the Council to save the date.

Mr. Larson went on to discuss the United States 250<sup>th</sup> Anniversary of the nation and the Philadelphia Based U.S. 250 Group appearing to be the lead group on commemoration activities with the Philadelphia area being the center of those festivities and the group already targeted five major focuses with Washington Crossing being one of them and that being part of the Ten Crucial Days – Crossroads of the American Revolution and Colonel Hand. And advised that the Township needs to be ready and one cost-effective way, which he proposed in 2016, is to designate the green space in front of the Municipal Building as a historic highway park and that he slightly tweaked the name in calling it the Twin Oaks Historic Highway Park which is the tree that is on the Township Seal and proceeded to discuss the revolutionary war story associated with highway and the historic trees in front of the building, the Peace Garden and the WWI Monument in front of the Municipal Building and all the Council needing to do is designate it as a park and once it is designated they can start doing commemoration type activities and receiving grants much easier. He further discussed the WWI research he has been doing as it relates to the WWI Monument in front of Town Hall and the 2-miles of Brunswick Pike being dedicated as the Roads of Remembrance and it being one of the first in the entire country as well as identifying and protecting some of the historic tree that might still exists along Business Route. A general discussion took place relative to WWI Monument being called the “Great War” and described as the “war to end all wars” and the history surrounding the many places the WWI Monument has been moved within the Lawrence Township.

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Resolutions

Resolution Nos.218-18 (18-A.1) through 260-18 (18-I.5) were approved by the following roll call vote:

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

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

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**Council Initiatives/Liaison Reports –**

There was no liaison report.

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**Written Communications –**

There was no written communications.

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

8.18 p.m.

Respectfully submitted by,

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Kathleen S. Norcia, Municipal Clerk

Attest:

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Christopher Bobbitt, Mayor