

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

June 15, 2021

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, June 15, 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, June 15, 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 motioned to move Resolution No. 227-21 (18-H.17), Authorizing the Installation of a Backboard at Veterans Park, on the Agenda, seconded by Councilwoman Lewis.

Same was carried on the following roll call vote:

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

Mr. Nerwinski stated a while ago a young resident came before the Township Council desiring to have a tennis backboard installed at Veterans' Park. She made a wonderful presentation to Council and they worked with Nancy Bergen, Superintendent of Recreation, who acquired some quotes to comply with the statutory requirements and they were able to identify a backboard that is weather resistant and will stand the test of time. The cost is \$7,200. Additionally, he reached out to Lawrence Township Public Schools Finance Officer who has agreed to contribute fifty (50%) percent of the cost being it will be situated in a park where high schoolers will have access to tennis in addition to this being a really good opportunity to do a combined shared type of a project that he was happy to do. So, they will be moving forward with the purchase and the installation of the project. There is no set timeframe; but, they are closer than where they were before...it is just a matter of securing it, having it delivered and installed.

Councilman Ryan thanked Mr. Nerwinski and Ms Bergen for looking into the matter and bringing it to fruition. He then asked Kelsey to standup and applauded her for coming before Council with her photos and doing a wonderful presentation expressing how much she loves the exercise of tennis; especially, during COVID and stated he is hoping to see her soon in the Grand Slam tournament.

Public Participation

Ms. Robin Bridges Johnson, 282 Glenn Avenue, greeted the Council and stated she comes before the Council regarding a serious subject regarding the unprofessional conduct of Lawrence Township Municipal Manager, Kevin Nerwinski, towards a resident of the community. Ms. Johnson stated by way of background she is an attorney and an Administrator of Employee Relations for a state agency. And, as a reference, at the State level the Office of Employees Relations deals with discipline of State employees. They are required to inform employees of the seriousness of their conduct when they have breached State policies and procedures and they afford them opportunity to improve and modify their behavior and compel compliance with rules and policies.

Ms. Johnson imparted in every work place it is important for all employees to know respect and follow established rules of conduct as conduct standards help ensure safety, order, productivity and integrity in public employment. And, one component of her professional employment is to oversee and investigate claims of workplace violence which can include among many things harassment and intimidation by a State employee against any customer or member of the public. Harassment and intimidation can be described as conduct which in any way creates a hostile environment, frightens, alarms or inhibits others. Psychological intimidation or harassment includes making statements which are malicious, disparaging, derogatory, rude, disrespectful or abusive.

Ms Johnson stated her hope is that all members and employees of Lawrence Township know the rules and what is expected of them; but most importantly management, meaning all five members of Council assembled today, understanding that discipline is management's responsibility and while she fully understands that personnel issues cannot be discussed in public, there must be an accountability by the Governing Body based on the concerns raised tonight and previously. She further advised that Mr. Nerwinski's actions on social media of late cannot be ignored and to continuously ignore his actions could potentially lead to someone getting seriously injured or worse, provoke someone with a vigilante mob mentality that is present in the form of social media he chooses to use, and expose Lawrence Township and their Township Attorney to significant liability. She thanked the Council for their time and opened the floor for questions.

Mayor Kownacki advised Ms. Johnson after tonight's meeting the Township Council will be speaking with Mr. Nerwinski in executive session regarding the accusations of unprofessional conduct being it is a personnel-related matter. A brief discussion ensued between Mayor Kownacki and Ms. Johnson pertaining to Mr. Nerwinski's legal rights for the matter to be heard in open or closed session in which he was advised to have in closed session.

Mr. Marvin Van Hise, 118 Federal City Road, greeted the Council and asked if he could speak on the Cannabis Ordinance under public participation or did he need to wait until introduction of ordinances. Mr. Roskos indicated that they typically do not take comments at first reading; but, advised the Mayor since Mr. Van Hise is here it might be more efficient just to hear the comments right now unless Council feels otherwise. There was no objection to Mr. Roskos proposal.

Mr. Van Hise thanked the Council and stated he is not going to reiterate his position as he made it well known some time ago; but obviously it is 2 to1 against him so he will accept the position of the residents of Lawrence Township and the State of New Jersey with regards to legalization of recreational use of cannabis. However, he is concerned about the proposed Cannabis Ordinance on the Agenda tonight that contradicts the article he read in the Lawrence Gazette in which Mr. Nerwinski provided a summary entitled "Cannabis is legal in New Jersey. Now what?" that specifically discussed cannabis-related businesses seeking to operate in Lawrence Township and the Township Council restricting that use to Route 1 between Franklin Corner Road and Quakerbridge Road – designation storefronts far removed from residential neighborhoods to preserve the quality of life of the residents.

Mr. Van Hise stated the Township Council also determined that all other classes of cannabis-related businesses would be required to locate within the "Mixed-Use (MX), Limited Industry (LI)" and the Executive Park Plaza area. So, he would like clarification as to what changed from what he read in the article and what is being proposed tonight that now includes retail sales and deliveries at the Mercer Mall, Quaker Bridge Mall and Lawrence Shopping Center which is in walking distance to the high school and other residential areas.

Mr. Nerwinski advised Mr. Van Hise that he was misinterpreting the Ordinance as cannabis-related businesses would only be allowed from Route 1 between Franklin Corner Road and Quakerbridge Road.

Mr. Van Hise stated in perusing the State Bill (240 pages) that was enacted into law and resulted in the passage of legalizing recreational use of marijuana and licensing procedures, municipalities have discretion over hours of operation and consumption areas indoors/outdoors related to cannabis use. And, one of his main concerns is the consumption areas; because as a former Municipal Judge he dealt with a lot of drug related cases; particularly, marijuana as well as alcohol and other narcotics and he would like to know if any regulations have been discussed or put in place and where Council stands with regard to making a determination as to interior and exterior consumption of marijuana. Mayor Kownacki advised when the Ordinance is introduced tonight that will be part of the discussion.

Mr. Nick Sferra, Oaklyn Terrace, greeted the Council and stated his concerns are the same as Mr. Van Hise with regards to Mr. Nerwinski's blog stating that the cannabis businesses would be designated Highway Commercial from Franklin Corner Road to Quakerbridge Road; but, when they look at the Tax Map the Highway Commercial starts from Brunswick Circle all the way up and a lot of those businesses back up to residential areas. So, in reviewing the language he would like to know what exactly makes this language stick to the two points Mr. Nerwinski mentioned in his Blog.

Mr. Sferra stated his second concern is regarding consumption areas much like Mr. Van Hise in terms of cannabis lounges and indicated he can go into a cigar shop, purchase a couple of cigars and smoke the cigars right there and he does not see any language prohibiting that which he would like to see included in the Ordinance; especially, if those highway pieces are going to back up to residential zones. Also, the number of retailers stated has a maximum of two and he would like to know if that includes the new retailer, Zen Leaf-Lawrence and the other retailer in the old Swiss Bakery location or is there going to be two additional cannabis retailers. And, his last concern is in regards to there being no language in the Ordinance referencing where they can smoke marijuana – such as smoking it inside the Hilton, outside at Vidalia or at an Airbnb in a residential area and asked how the Council plan to address issues such as that.

Mr. Nerwinski advised that both Mr. Sferra and Mr. Van Hise have raised valid points in terms of the Cannabis Ordinance; but, tonight's Ordinance is about cannabis businesses operating within the town and whether the Township is going to Opt-In or Opt-Out of allowing the six marketplace classes of licensed businesses to operate in Lawrence Township prior to the August 21st deadline. So, for clarification, the Ordinance being introduced tonight is not a User Ordinance encompassing where people can smoke marijuana or where loitering can exist or not exist in an area. Those matters will be handled separately by ordinance.

Mr. Roskos noted it is important for the public to understand that there is a hard and fast date by which municipalities have to act; so, while they hear all of their comments tonight they are trying to tackle this short-term goal of meeting the August 21st time limit as to whether they are going to prohibit cannabis or not and where cannabis businesses can operate geographically within the Township. So, although they are allowing public comment tonight they are not going to engage in a give and take exchange of dialogue. A brief exchange of dialogue took place relative to the appropriate time to bring forth public concerns and when the matters brought forward will be addressed.

Mr. Sferra stated that the bus routes to school have changed from one mile to two miles and it has been an issue in the neighborhood; especially, his neighborhood that is undeveloped with no sidewalks. He also advised of a horrific crash that took place the other day and small improvements that were made to the area; but, more improvements are needed due to public safety concerns which he has spoken to the Municipal Manager about over the years and suggested they find some way of improving the walking areas that kids use to walk to school that do not have sidewalks. Perhaps, put painted stripes with a little bit of an orange divider at Oaklyn Terrace and Birchwood Knoll as another visual indicator that there is an intersection on both sides and possibly do the same for all the stop streets between Windwood Road and Wayside Lane.

Mr. Sferra further discussed Eggert Crossing Road being a dangerous intersection that needs an officer and patrol car there in the morning to direct traffic during school hours. The road improvements on Eggert were great when it was first done; but, because the intersection was not paved at the time potholes have developed and the road is a wreck and in need repair. He also discussed the lighted crosswalk not working on Lawrence Road across from Dunkin Donuts for almost a year and requested that the items be addressed prior to the next school year.

Councilwoman Lewis advised that the School Board gave the Township no prior notice until they had already established the changes to the bus routes and had already informed everyone that they were making those changes; changes that will require more school crossing guards at more locations. She advised that the Municipal Manager reached out to the School Administrator once they found out to try and work better with them being it was not a decision that came from the Township Council; it came from the School Administration without any consultation and they need to take those things into account before they make decisions like that.

Ms. Katharine Schumacher, 20 Temple Terrace, stated she did not know the Council was taking comments on the Cannabis Ordinance but she would like to share her support for the Ordinance and requested that the Council when they are considering the Ordinance to take a look at how small business owners can be part of that marketplace in the Township; because, notoriously when cannabis companies come into a township they kind of take over with this big conglomerate corporation. But, there are ways to work with small businesses and make it a more realistic community-friendly innovation.

Ms. Schumacher advised that she came prepared tonight to discuss another matter regarding communication that she has seen from the Council and she knows everyone is working very hard; but appointed and elected officials hold the power and access of community knowledge and information and that power whether it is on Facebook, a page or by post, needs to consistently be used appropriately with respect and honor to the diversity of the community.

Mr. Schumacher stated she felt compelled to share her thoughts with the community because she sees what is put online and within their communications that could be about her or someone she knows. Furthermore, there are people who are getting more intimidated by coming forward trying to advocate, share ideas and move forward. She indicated she has not lived in Lawrence for very long (2 years); but, she cares really deeply about the community that she resides in and she wants to be engaged, involved and to remind everyone that in this day and age they all need to be aware of how their biases are contributing to their presence in the world whether they mean to cause harm or not they need to be able to reconcile the problems brought forward to them and work with their neighbors; because whether they realize it or not their biases makes for aggression; especially, if that person is in a position of power dealing with people. So, if they expect to foster a community of respect and engagement then it must start with the leaders and elected officials of the town. Harassment and intimidation should not be tolerated on any level. Mayor Kownacki reiterated again that it is a personnel matter that will be discussed in closed session.

Ms. Schumacher stated with regard to the bus issue that was previously discussed she does a lot of environmental work and looking at the open spaces of the Township suggested the Council consider looking at a Greenway Path between Lawrence Neighborhood Center on the other side of Eldridge Park School over to the other side of Lawrence Immediate School which could be feasible and something to consider.

Review and Revisions of Agenda

The Municipal Clerk requested that the Agenda be amended to include Resolution No. 229-21-(18-H.19), Authorizing a Resolution of the Township of Lawrence Approving the Second Amendment to the Settlement Agreement with Fair Share Housing Center; Resolution No. 230-21- (18-H.20), Authorizing a Resolution to Approve Amendment to Third Round Spending Plan to Increase Subsidy to RPM Development, LLC; Resolution No. 231-21- (18-H.21), Authorizing a Resolution of the Township of Lawrence Regarding Consent Order Filed By the Court on May 31, 2021 in IN THE MATTER OF THE APPLICATION OF THE TOWNSHIP OF LAWRENCE, MER-L-1538-15 and revise Ordinance No. 10-A, "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" to include an hourly rate for Security Guard.

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 Closed Session Meetings of March 16, 2021, 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 April 6, 2021 were approved without corrections on the following roll call vote:

Same was carried on the following roll call vote:

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

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On a motion by Ms. Lewis, seconded by Mr. Powers, the Minutes of Regular Meetings of March 2, 2021, March 16, 2021 and April 6, 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.

On a motion by Ms. Lewis, seconded by Mr. Bobbitt, the Minutes of Regular Meetings of April 6, 2021 were approved without corrections on the following roll call vote:

Same was carried on the following roll call vote:

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

Awarding or Rejecting of Bids

On a motion by Ms. Lewis, seconded by Mr. Powers, Resolution (9-A), Authorizing Awarding Bid for the 2021 Drainage Improvement Program, was presented for adoption.

Resolution No. 196-21

WHEREAS, on Thursday, May 6, 2021 bids were received and publicly opened for the project known as **2021 Drainage Improvement Program**; and

WHEREAS, eight (8) bids were received and reviewed by the appropriate Township Officials; and

WHEREAS, the lowest responsible bidder was Messercola Excavating Company, Inc. who submitted a bid in the amount of \$46,500.00, 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-04-55-454-244	2328-19	Keefe Road, Cold Soil Road, Carson Road, Van Kirk Road	\$18,269.00

C-04-55-466-241	2360-20	Drainage/Safety Improvements (Keefe Road, Cold Soil road, Carson road, Van Kirk Road)	\$28,231.00
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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 Messercola Excavating Co., Inc., 549 E. 3rd Street, Plainfield NJ 07060 in the amount of \$46,500.00; 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 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 the Ordinance amends the Salary Ordinance of the Township of Lawrence to remove the Municipal Alliance Grant Coordinator, Carol Chamberlain, who retired and appoint the new Health Officer, Keith Levine, as well as appoints Ed Tenza, Fire Marshal, as the Emergency Response Specialist Coordinator. The Ordinance also adds an hourly rate of \$25.00/hour for Security Guard and includes a Grade Change for Records Support Technicians 2 and Grade Change for Supervisor of Accounts.

The Ordinance No. 2398-21 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 AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF LAWRENCE TO REVISE SECTION 522 DRAINAGE AND STORM MANAGEMENT"

Mr. Nerwinski advised that the Ordinance amends the Land Use Ordinance of the Township of Lawrence to revise Section 522 "Drainage and Storm Water Management. The revisions include an adjustment to the numbering system and minor clarifications requested by the Mercer County Planning Department as the reviewing agency for NJDEP. There were no substantive changes that affect the Ordinance.

The Ordinance No. 2399-21 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 BY THE TOWNSHIP OF LAWRENCE IN MERCER, NEW JERSEY RESTRICTING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES TO CERTAIN DESIGNATED AREAS AND ZONES"

Mr. Nerwinski advised that the Ordinance in response to the Cannabis Law where municipalities have a deadline of August 21st to indicate whether or not they will be a municipality that will authorize operators who have been properly licensed, of the six classes, to operate cannabis businesses, restrict, modify or regulate it in some way. After polling of the Council this is the proposed Ordinance that embraces the concerns that were expressed by individual Councilmembers.

Councilwoman Lewis advised that the Council and others around her know her position as it relates to the Cannabis Ordinance and that she has shared certain concerns; particularly, on the DUI side that was brought up tonight which she has worked on in lots of other places. However, she does find it odd that the State has decided that municipalities must decide where to allow the cannabis businesses to operate before giving them any regulations; but, indicated that is the hand they were dealt and she thinks that the Ordinance on for tonight allows for a really strong floor to what it is the Council will be able to do and provides for an opportunity to see what the

regulations will be and not completely banning what will be a very important new industry in the State of New Jersey.

Councilwoman Lewis explained by keeping the businesses Highway Commercial and by recognizing where there are new growth opportunities for both the business and the growth of the plant. She also thinks they are doing a wonderful first step in keeping it away from the residences and away from schools by allowing it to be in the commercial areas in a very limited space. She also feels there will be opportunities in the future to revise and tweak the Ordinance being they have set a good floor that they cannot go back from for five (5) years.

Councilman Powers stated in terms of the question Mr. Van Hise posed regarding the hours of operation for cannabis it is his understanding that this Cannabis Ordinance will be part of the Land Use Ordinance so the regular hours of operation would be incorporated just like any other use in other zones. Mr. Nerwinski stated that is correct. Mr. Powers thanked him for the clarification. Councilwoman Lewis stated she would also like to clarify for Mr. Van Hise his question pertaining to consumption and indicated when it comes to consumption of cannabis all of the outdoor smoking bans that already exist extends to cannabis so it cannot be in the Township's parks or in many of their public spaces already. Mr. Nerwinski further advised that the entities that are allowed to do retail sales are not allowed to have it on their premises at all; it would be a revocation of their licenses.

Councilman Ryan stated they knew this day was coming as everyone else given the public voted 71 percent to approve the use of cannabis in Lawrence and they have been trying to get in front of this curve ball by limiting where the businesses can be located; but they can only throw so many roadblocks in front of it and he knows they have been ahead of this in looking at routes.

Mayor Kownacki stated that the Council worked on this matter for quite some time trying to come up with suitable locations for the businesses with the State advising them what they can or shall do. He indicated he has some of the same concerns that were brought before the Council tonight; but, rest assured every member of Council and the Municipal Manager will be monitoring this issue and there are some parts of the law that they will have to enforce and change. But, overall he feels the Council made the right decision; because, if they did not adopt an Opt-In/Opt-Out Ordinance, cannabis retailers could go anywhere in the Township and they would have no control over it. He just wishes the State would have given them more authority, which may come down the road; but, everything will be enforced and monitored.

Councilman Bobbitt stated change is a scary thing and this is something completely new to all of them. But, the Council is trying to do the Ordinance in the most responsible way, and indicated when he was Mayor, he was approached by many from the medicinal side of things so that is one of the reasons why the Council had conversations in the past and understands what would be the appropriate places for cannabis retailers in the Township. He will not repeat what everyone else has said because they all had valid points that do not need to be repeated; but, he appreciates all of their input and seeing everyone tonight.

The Ordinance No. 2400-21 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						

Adoption of Ordinances

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

Ordinance No. 2396-21

ORDINANCE AUTHORIZING THE PRIVATE SALE OF CERTAIN LANDS OF THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, NOT NEEDED FOR PUBLIC USE

WHEREAS, certain land as described hereafter more particularly as owned by the Township of Lawrence but not needed for public use, and said municipality desires to sell said land by private sale in accordance with N.J.S.A. 40A:12-12(b) and 40A:12-13.2; and

WHEREAS, the Township Council of the Township of Lawrence hereby determines that the said sale is in each instance a parcel both less than the minimum size required for development and/or contains environmental restrictions that precludes development under the Land Use Ordinance, and without any capital improvements thereon, and must therefore be offered for purchase to the owner or owners of real property contiguous thereto on the basis of first refusal pursuant to N.J.S.A. 12-13.2;

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

(1) The Township Clerk is authorized, subject to the terms and conditions hereafter set forth, to offer for private sale pursuant to N.J.S.A. 40A:12-13(b) all of the Township's right, title and interest in and to the certain land at the assessed value, hereby determined to be the fair market value thereof, to the owner or owners of real property contiguous thereto, as per the attached list.

(2) This Ordinance shall be published twice in a newspaper approved for legal publications, once not less than seven (7) days prior to the public hearing thereof in accordance with law applicable to the adoption of ordinances generally, and a second time within five (5) days after adoption hereof, at which time it shall also be posted on the bulletin board in Town Hall of the Township of Lawrence and remain so posted for at least twenty (20) days thereafter. Sworn proof of such publication shall be field by the Township Clerk with the Director of the State Division of Local Government Services in the Department of Community Affairs.

(3) Offers by such contiguous owner(s) to purchase the said contiguous parcel may be made in writing addressed to the Township Manager, Township of Lawrence, 2207 Lawrence Road, Lawrence Township NJ 08648, for a period of twenty (20) days following the second advertisement hereof. The Township reserves the right to reject all bids in each instance where the highest bid is not accepted, and to re-advertise the parcel concerned for public sale following reconsideration within thirty (30) days of the date of adoption of this ordinance.

(4) In the event that more than one bid is received for the parcel from multiple contiguous owners thereof, only the highest such bid will be considered for acceptance or rejection.

(5) The conveyance of any such parcel to any successful bidder shall be for the total parcel without the subdivision of or sale of a portion thereof, shall be by standard municipal Bargain and Sale Deed without covenants of the Grantor, subject to any statement or facts which an accurate survey would show, subject to all covenants, conditions, easements, liens and restrictions of record, as well as applicable ordinances of the Township of Lawrence shall be without obligation of the Township of Lawrence to provide access, public private, or any improvements thereon or thereto, with all sales being "as is" without any representation whatever as to character, quality or condition or otherwise, bidder being deemed to have inspected the premises bid upon and waived any objections to the conditions thereon.

(6) The parcel to be conveyed shall be deemed to merge and become one parcel for all purposes, including taxation and land use control, with the adjacent parcel owned by the successful bidder. In the event the successful bidder is the owner of more than one adjacent lot, the successful bidder shall be entitled to designate which of the adjacent parcels shall be consolidated with the subject property. The deed of conveyance shall contain a restriction governing the subject property that neither it nor the property with which it is consolidated shall thereafter be subdivided or, without subdivision, utilized for the construction of an additional dwelling or other structure other than an accessory building (e.g., a storage shed), if otherwise permissible. The property offered hereunder shall not be utilized by the successful bidder to support an application for relief from prevailing land use restrictions (e.g., single-family residential vs. multi-family residential), other than bulk restrictions (e.g., set back requirements for structures otherwise permitted) which, by reason of the size of the previously owned property, would not reasonably qualify for consideration by the Planning Board or Zoning Board for a variance absent the additional property purchased hereunder.

(7) The acceptance of any bid by the Township shall be subject to receipt within ten (10) days of such acceptance of a certified deposit check of the bidder (or cashier's check) in the amount of ten percent (10%) of the accepted bid price, which shall be non-refundable, the balance to be paid not later than ninety (90) days from the date of bid, again by certified or cashier's check, at which time title shall be conveyed to bidder by the Township and the Deed delivered therefore by the Township. Concurrently, with payment of the ten percent (10%) deposit, bidder shall execute an agreement to accept the terms and conditions of sale set forth herein on a form to be prescribed by the Township.

(8) In the event the bidder should for any reason not pay the balance due as above provided, the Township reserves the right to cancel the sale and retain the ten percent (10%) deposit as liquidated damages for non-performance. In the event title is not insurable by the bidder at prevailing rates by a reputable title insurance company, bidder's sole remedy shall be to give written notice of cancellation of the bid to the Township within ninety (90) days of the date of bid. The Township shall refund the deposit, and there shall be no further obligation by either party to the other respecting said bid or any obligations created by the giving or acceptance of said bid.

(9) In addition to the bid amount, made in accordance with the process outlined above, the Bidder must pay the Township \$500.00 for legal fees and other costs necessary for the property transfer, said cost to be paid prior to title conveyance.

(10) All ordinance or provisions thereof conflicting or inconsistent with the provisions of this ordinance be and the same are hereby repealed to the extent of such conflict or inconsistency.

(11) If any section or provision of this ordinance shall be adjudged invalid, such determination shall not affect the remaining provisions hereof, which shall remain in full force and effect.

(12) This ordinance shall take effect after adoption and final publication in accordance with law.

Adopted: June 15, 2021

TOWNSHIP OWNED PROPERTIES

PARCEL	ADDRESS	BLOCK	LOT	ASSESSMENT	LOT SIZE
1	Lawn Park Avenue	1304	3	\$375	2,100 sf
2	Lawn Park Avenue	1304	7	\$750	8,400 sf

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

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

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Mayor Kownacki read by title, an ordinance entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 2388-21 ESTABLISHING PROVISIONS GOVERNING SPECIAL DUTY ASSIGNMENTS FOR POLICE OFFICERS"

Ordinance No. 2397-21

AN ORDINANCE AMENDING ORDINANCE NO. 2388-21 ESTABLISHING PROVISIONS GOVERNING SPECIAL DUTY ASSIGNMENTS FOR POLICE OFFICERS

Section I

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

A. Subject to the approval

B. Special duty assignments for police officers are governed as follows:

1. Purpose

For the convenience of those persons and entities which utilize the services of off-duty police officers and to authorize the special duty employment of Township police while off-duty, the Township hereby establishes a policy regarding the use of said officers.

- a. Sworn officers of the Police Department shall be permitted to accept police related employment for private employers only during off-duty hours and at such times as will not interfere with the efficient performance of regularly scheduled or emergency duty for the Township.
- b. Any person or entity wishing to employ a special duty police officer shall first obtain the approval of the Chief of Police (or designee), which approval shall be granted if in the opinion of the Chief, such employment would not be inconsistent with the efficient functioning and good reputation of the Police Department and would not unreasonably endanger or threaten the safety of the employee or employees who are to perform the work.

2. Administration by a 3rd Party Police Special Duty Detail Management System Company.

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

3. Escrow Accounts

- a. Any person or entity requesting the services of a special duty police officer shall estimate the number of hours such services are required, which estimate shall be approved by the Chief of Police, and shall establish an escrow account with the Chief Financial Officer of the Township by depositing an amount sufficient to cover the rates of Compensation and administrative fees set forth in Subsection 8 for the total estimated hours of service.

- b. Prior to posting any request for services of special duty police officers the Chief of Police or his designee shall verify that the balance in the escrow account of the person or entity requesting services is sufficient to cover the compensation and fees for the number of hours specified in the request for services. The Chief of Police shall not post nor offer a request for services from any person or entity unless all fees and compensation required in the manner described above have been deposited with the Chief Financial Officer. No officer shall provide any services for more hours than are specified in the request for services.
- c. In the event the funds in said escrow account become depleted, services of off-duty employees shall cease and requests for further or future services shall not be performed or posted until additional funds have been deposited in the escrow account in the manner prescribed above.
- d. The person or entity requesting such services shall be responsible for ensuring that sufficient funds remain in the escrow account in order to avoid any interruption of services.
- e. Failure to pay. In the event the person or entity contracting for such services should fail to pay any balance due for services performed by the members of the Lawrence Township Police Department, such failure shall be deemed a violation of this Ordinance and subject the person or entity to the violations and penalties set forth below.
- f. Exemption. All public utility companies that are under the jurisdiction of and regulated by the New Jersey Board of Public Utilities are exempt from the provisions set forth in this section requiring advance payment to the escrow account, provided however, that there are no amounts previously due that are outstanding prior to any officer engaging in any further special duty assignments.
- g. The Township may choose to utilize a secondary service to administrate and perform the above actions related to the special duty employment process. These actions include but are not limited to: communicating with said person or company to schedule extra duty assignments; scheduling the officers for said assignments; invoicing person or entity and receiving escrow and/or payments from person or entity in a manner set forth by the secondary service provider. The secondary service provider may charge an additional fee for services that are above and in addition to the fee

structure stated above and utilize business type collection rules as set forth in the contract/agreement between the Township and the secondary service provider.

- h. The secondary service provider will reimburse the Township via ACH or other funds transfer methods, according to the fees set forth in this Ordinance, due to the Township and Officer, in a timely manner, usually coinciding with payroll periods for the special duty assignment that the officers have performed or were scheduled for in that period, in accordance with the above listed rules of employment between the Township and person(s) or entity seeking services.

4. Requests for Service

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

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

met by the Lawrence Township Police Department he may request additional law enforcement officers from outside agencies.

5. Special Duty Assignments Voluntary

The work to be performed shall be considered a special duty assignment from independent contractors and will not be considered a direct assignment. The taking of any special duty assignments shall be on a voluntary basis in accordance with a fair and reasonable system established and administered by the Chief of Police or the contracted 3rd Party Police Special Duty Detail Management System Company. Any employee of the Township assigned and working pursuant to this regulation shall be treated as an on-duty employee of the Township with the exception that wages earned for outside employment shall not be applied toward pension benefits, shall not be considered overtime and shall be paid at a rate of pay as described in Subsection 9.

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

6. Cancellation of Assignment

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

7. Chief's Order to Vacate Assignment

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

damages against the Township, the Chief of Police or the employee arising from the termination of special duty assignment other than the prorated return of any costs prepaid to the Township.

8. Township to Provide Insurance Coverage

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

9. Rates of Compensation; Administrative Fee; Payment for Services

Rate of compensation for contracting the services of special duty police officers shall be established as described herein:

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

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

10. Length of Assignment

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

11. Emergent Circumstances

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

a. Where emergent circumstances result in a request for a special duty assignment, the Chief Financial Officer may

waive the requirement of an escrow deposit as provided for in Section 1. Paragraph B. 2 Administration by a 3rd Party Police Special Duty Detail Management System Company’ and Section 1 paragraph B.3.a ‘Escrow Accounts’.

b. In emergent circumstances the Chief of Police may authorize a special assignment with less than the ten (10) day posting requirement provided for in paragraph B.4 ‘Requests for Service’.

[c. In emergent circumstances where a special duty assignment is requested within 48 hours; but, more than 4 hours of the special duty assignment an additional cost of \$10.00 per hour will be added to the officer’s rate. Requests within 4 hour of the special duty assignment an additional cost of \$25.00 per hour will be added to the officer’s rate.The additional cost will assist in obtaining coverage during the late or emergent request for police services.]

12. Violations and Penalties

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

Section II. Repealer

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

Section III. Severability

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

Section IV. Effective Date

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

[] Indicate deletions

Adopted: June 15, 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						

Manager’s Report –

Mr. Nerwinski submitted invoice listings for the month of June 2021 in the amount of \$1,217,240.38.

There was no Manager’s report.

Attorney’s Report –

Mr. Roskos stated that they had a Case Management Conference in the Trenton Water Works litigation and it seems as if the Department of Environmental Protection (DEP) and the City of Trenton met several times and they are still not in accord as to what the penalty should be for City’s failure to replace the lead lines as previous agreed. Counsel for the City of Trenton and Counsel for the Department of Environmental Protection stated that they are hopeful that something will be worked out in the next 35 to 45 days. In addition, he took the opportunity to inform the Judge that Lawrence Township has done some inspections of their fire hydrants and has determined that a significant number of them are not fully operable as they had the instance where there was house fire and the hydrant did not work and indicated to the Court that this was a serious problem as they expect their water utility to provide fire protection not just potable water. He also indicated that Lawrence Township would be amending their Complaint to bring those claims to the Court and the Municipal Manager has been working with him in doing a census so they can have a more complete record; but, he thinks it is fair to say there is a significant number of hydrants that need to be remedied by Trenton Water Works. They will formally be bringing to the Courts attention in the next few weeks.

Clerk's Report –

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

Unfinished Business –

There was no unfinished business.

New Business –

Councilman Ryan stated he has some business he would like to bring up regarding the Human Relations Committee and a name change, and indicated the name is old and antiquated and he would like to dissolve the Human Relations Committee and bring it up to date by naming it the Diversity and Equity Committee as he thinks it is more appropriate for today. As for the Committee members they would just have to send an email to the Municipal Clerk saying if they are still interested in remaining on the Committee and they would not have to fill out an application. He then asked for Council's support with regards to his proposal.

Councilman Powers asked if Councilman Ryan would consider naming it Inclusion, Diversity and Equity Committee. Councilman Ryan replied "yes" he thinks they should get it up to date with Diversity, Equity and Inclusion Committee which he thinks would be appropriate. Councilwoman Lewis asked if they were taking new applications. Mr. Ryan replied "yes" they could take new applications and the current members on the Committee just need to verify if they are still interested. Mr. Powers stated he thought they were talking about changing the name of the Advisory Committee being those members have appointed terms. Mr. Ryan advised that he would like to dissolve the Human Relations Committee right now and the members can reapply by email.

Mr. Roskos advised that is not the proper course of action, he would prefer that that the Council amends the name of the Human Relations Committee being the entity already exists and the Governing Body has already appointed members. Additionally, it might be appropriate for the members to be part of the discussion; but, tonight they are talking about the name change not the disbanding of a Committee that is part of their government.

Councilwoman Lewis stated she thinks it would be appropriate as they change the name to take a look at what the Committee is doing what the mission is and check back with the Committee members to see if they are still interested in fulfilling that mission.

Councilman Bobbitt stated he agrees with both Councilwoman Lewis and Councilman Powers comments regarding the mission and name change and giving existing members an option. Councilwoman Lewis noted that they have had some feedback with some of the members disagreeing with some pieces and not others, so they need to say what they are doing moving forward which will be useful in their decision-making process to stay on or resign.

Councilman Bobbitt asked if the Human Relations Committee met over the summer or do they take a break and will they be able to use this time to have this conversation. Councilman Ryan advised that they are supposed to be meeting tomorrow; but, for the last two meetings he has not been able to get on their Zoom and they are not returning any of his emails or calls which is a different issue that will be dealt with separately.

Mr. Roskos advised that this is an idea that was announced tonight that they will formally deal with at the next Council Meeting. The Municipal Clerk further advised that the matter must be heard at two meetings because it is an Ordinance they are changing. And, if they want to add a mission statement they can do so at the same time and suggested because it is a different type of title making it more inclusive they might want to include a Mission Statement.

Mayor Kownacki suggested that Councilman Ryan reach out to the Municipal Clerk and Township Attorney before moving forward with the changes. Councilman Bobbitt stated what the Municipal Clerk advised makes appropriate sense and it gives the Council time to process the change and introduce something at the next meeting and then have a second reading. Councilman Powers suggested they circulate the current Ordinance for the Human Relations Committee so they can as a Council, look at the Ordinance and see what needs to be tweaked which he feels will be helpful.

Councilwoman Lewis stated since they are on the subject and Mr. Roskos is present she would like to know if they have Committee members who are not being communicative with their Council Liaisons and are not conforming to the Open Public Meetings Act; a problem they have had before, and what recourse do they have to address that situation?

Mr. Roskos advised that they can take action for members who are not participating because they are not doing their job. However, this is the first of him hearing about this issue and requested that Councilman Ryan call him tomorrow and bring him up to speed because it sounds like they have a couple of problems. The first being the mission the Council would like to change for the Committee; and, the second being the Committee that sounds a little dysfunctional in the way it operates which is a separate issue he would like to discuss with Councilman Ryan.

Mr. Nerwinski noted that the Human Relations Committee is an Advisory Committee to the Council and if a Councilmember is being denied access to participate, he thinks he is well within his rights to request that the Committee come before Council to have a discussion to see what is going on and flush out the problem; and, the next meeting might be the right time to address the matter since they want to make changes to the name and mission of the Committee.

Public Participation (3-minute limitation per speaker) –

There was no public participation.

Resolutions

Mr. Roskos stated for the benefit of the Council he would like to address the Resolutions related to the Mt. Laurel Settlement that were added to the Agenda. And indicated Resolution (18-H.11) that was already included in the Agenda packets revises the prior Resolution of need for the RPM Project that approved the 54 units, (1) being the Manager’s apartment and the other (53) are affordable units. Resolution (18-H.19) that approves the Amendment of the Township’s Agreement with the Fair Share Housing Center as it relates to the RPM site. Resolution (18-H.20) approves the Spending Plan Amendment that ties back with the RPM site which they agreed to augment what they were going to provide in terms of assistance and in return that project went down from 70 units to 53 affordable units. Resolution (18-H.21) that affirms the authority that the Council gave him at the May 4th closed session to formally approve a new phasing schedule for the JAS site, which is the Brandywine site, who explained to them how they were going to develop that site and Fair Share Housing and Judge Jacobson supported it. So, they are altering what is the typical COAH regulation to provide for somewhat of a delayed arrival of the units; but, then all of units before the 51st market unit are installed. And that is because those units are being built in separate buildings. So, it is his hope that on July 12th the Mt Laurel Settlement is finalized and they deal with this in 2025.

Resolution Nos. 196-21 (18-C.1) through 231-21 (18-H.21) with the exception of Resolution No. 227-21 (18-H.17) was approved by the following roll call vote:

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

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

Resolution No. 227-21 (18-H.17), Authorizing the Installation of a Backboard at Veterans Park, was approved by the following roll call vote:

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

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

Council Initiatives/Liaison Reports –

Councilwoman Lewis reported that last the Resolution on the Agenda approves the Fourth of July Fireworks Display for Thursday, July 1st (rain date July 2nd) starting at 9:30 p.m.

Councilman Ryan reported about two weeks ago he met with Nancy Bergen, Superintendent of Recreation, and Lillian LaSalle, Director of Office on Aging, and they are looking at having a soft opening at the Senior Center. The plan is to have a small gathering with coffee which he thinks is great. Also, in reference to the Municipal Alliance on Drug and Alcohol Abuse, the Mercer County Prosecutor’s Office asked Lawrence Township to host the International Overdose Awareness Day on August 31st from 5 PM to 8:00 PM which is an honor. They are asking for volunteers for the event and the Prosecutor’s Office, Sheriff’s Office and the Police Department will be there as well.

Written Communications –

There was no written communications.

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

6:59 p.m.

Respectfully submitted by,

Kathleen S. Norcia, Municipal Clerk

Attest:

James S. Kownacki, Mayor