

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

May 2, 2017

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, May 2, 2017 at 6:30 P.M.

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

At the commencement of the meeting Mayor Maffei 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, May 2, 2017, 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 22, 2016.

The roll was then called as follows:

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

Also in attendance were Kevin Nerwinski, Municipal Manager and Acting Township Attorney Michael Butler.

Special Proclamations, Recognitions and Presentations

Mayor Maffei stated on behalf of the Council he would like to welcome the Honorable Kevin Nerwinski as the Township Manager of Lawrence and that Mr. Nerwinski went through a very arduous process of interviews and specific questioning to gain the position and the Township Council is confident that he will become an excellent manager and a good friend to Council. Personal recommendations came from such distinguished Lawrence residents as – former Superintendent of Recreation Steven Groeger, former Mayors Doris Weisberg, Gregory Puliti, Robert Kusek; Mercer County Freeholder Pasquale “Pat” Colavita, ELSA Executive Director Robert Filler, Roger Haley, PJMC and Sigmund Zergarski. He then congratulated Mr. Nerwinski on his appointment and indicated they are looking forward to new, inventive initiatives as Lawrence continues to prosper.

Walk This Way - Lawrence Intermediate School Presentation

A group of 4th Grade Gifted and Talented Students from the Lawrence Intermediate School along with their teacher Ms. Heller came to present the “Walk This Way” program initiative which brings attention to pedestrian safety issues. This program raises awareness of safety for school age children who walk to and from school. The reports are conducted by the students to raise awareness of impending hazards, and suggested improvements. Utilizing PowerPoint, students took turn reporting their findings and presenting a survey of statistical information they collected during their pedestrian walk around LIS and on Route 206 and Eggert Crossing Road. After the presentation there was then a brief question and answer period along with comments from Council.

Mayor Maffei thanked and complimented the students on their hard work, and stated that they provide a great service to the Township. There is no other group that contributes information like it, and Council looks forward to their annual presentation.

Councilmembers applauded the students on their efforts, and stressed the importance of the project to Lawrence Township. In previous years the study had helped to improve pedestrian safety around the schools and adjoining neighborhoods by pointing out areas that should have a crosswalk or may require a Crossing Guard. The Council takes their recommendations seriously, and the Township has acted to make improvements based on them.

Public Participation (5-minute limitation per speaker)

There was no public participation.

Review and Revisions of Agenda

The Municipal Manager requested that Resolution (18-L) – Authorizing a Closed Session of Council Immediately Following the Regular Meeting if Necessary, be removed from the Agenda.

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

Same was carried on the following roll call vote:

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

Adoption of Minutes

On a motion by Mr. Powers, seconded by Mr. Bobbitt, the Minutes of Regular Meeting of March 21, 2017 and April 4, 2017 were approved on the following roll call vote:

Same was carried on the following roll call vote:

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

On a motion by Mr. Powers, seconded by Mr. Bobbitt, the Minutes of Closed Session Meetings of April 18, 2017 were approved on the following roll call vote:

Same was carried on the following roll call vote:

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

Awarding or Rejecting of Bids

Mayor Maffei asked for comments from the public. There being none, Mayor Maffei asked for comments from Council. There being none, public participation was closed.

On a motion by Mr. Powers, seconded by Mr. Bobbitt, Resolution (9-A), Authorizing Rejecting Bid for Rehabilitation of 34 Chamberlin Court, was presented for adoption.

Resolution No. 205-17

WHEREAS, on Wednesday, April 26, 2017 bids were received and publicly opened for the project known as 34 Chamberlin Court; and

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

WHEREAS, the bid that was received is being rejected in accordance with Section 40A:11-13.2.A.a; and

WHEREAS, the Principal Planner has recommended that all bids be rejected.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that the bids received for 34 Chamberlin Court are hereby rejected pursuant to N.J.S.A. 40A:11-13.2.A.a due to the fact that the lowest bid substantially exceeds the cost estimates for the goods or services.

Same was carried on the following roll call vote:

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

Introduction of Ordinances

There was no introduction of ordinances.

Adoption of Ordinances

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

Ordinance No. 2261-17

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; and

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 the

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. 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.

Ordinance 2261-17 was approved on the following roll call vote:

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

~*~

Mayor Maffei read by title, an ordinance entitled, "BOND ORDINANCE AMENDING BOND ORDINANCE 2020-09 BY THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, STATE OF NEW JERSEY, IN ORDER TO REVISE THE DESCRIPTION OF THE IMPROVEMENT HEREIN"

Ordinance No. 2262-17

BOND ORDINANCE AMENDING BOND ORDINANCE 2020-09
BY THE TOWNSHIP OF LAWRENCE, COUNTY OF MERCER,
STATE OF NEW JERSEY, IN ORDER TO REVISE THE DESCRIPTION
OF THE IMPROVEMENT HEREIN

BE IT ORDAINED, by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1:

- a. Section 3 (a) of Bond Ordinance 2020-09, finally adopted June 4, 2009, amended by Ordinance 2031-09, finally adopted September 15, 2009,

amended by Ordinance 2067-10, finally adopted November 9, 2010, amended by Ordinance 2230-16, finally adopted April 5, 2016, be and are hereby amended to add the following purposes:

Improvements of Municipal Buildings consisting of: "...Underground Storage Tank Removal and Remediation..."

Section 2:

The capital budget of the Township of Lawrence is hereby amended to conform with the provisions of this ordinance to the extent of inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of Local Government Services is on file with the Clerk and is available there for inspection.

Section 3:

This amending bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Ordinance 2262-17 was approved on the following roll call vote:

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

~~~

Mayor Maffei read by title, an ordinance entitled, "ORDINANCE AMENDING ORDINANCE 2252-16 SALARY ORDINANCE OF THE TOWNSHIP OF LAWRENCE – UNCLASSIFIED AND/OR EXEMPT, SEASONAL, EMERGENCY (NON-UNION) EMPLOYEES FOR 2017"

Ordinance No. 2263-17

AN ORDINANCE AMENDING ORDINANCE NO. 2252-16  
SALARY ORDINANCE OF THE TOWNSHIP OF LAWRENCE – UNCLASSIFIED AND/OR  
EXEMPT, SEASONAL, EMERGENCY (NON-UNION) EMPLOYEES FOR 2017

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

Section I. Short Title

This ordinance shall be known and may be recited as “The Salary Ordinance of the Township of Lawrence – Unclassified and/or Exempt, Seasonal, Emergency (non-union) Employees for 2017.”

Section II. Salaried Employees

The attached list of salaried positions and job titles, Schedule A and Schedule B, are hereby authorized and assigned the appropriate salary ranges for 2017 and are determined by date of hire as an employee of Lawrence Township.

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

Section III. Part-Time or Seasonal Employees

The following part-time or seasonal positions and job titles are hereby authorized and assigned the following pay maximums commencing January 1, 2017:

| Position of Job Title        | Basis      | 2017                                  |
|------------------------------|------------|---------------------------------------|
| Armed Court Attendant        | Hourly     | \$24.56                               |
| Emergency Medical Technician | Hourly     | \$21.74                               |
| Firefighter                  | Hourly     | \$17.81                               |
| Laborer (Seasonal)           | Hourly     | \$11.17                               |
| Life Guard                   | Hourly     | Federal Minimum Wage<br>up to \$15.26 |
| Recreation Aid               | Hourly     | Federal Minimum Wage<br>up to \$35.75 |
| Position of Job Title        | Basis      | 2017                                  |
| Recycling Coordinator        | Per Annum  | \$4,162                               |
| Fire Crew Coordinator        | Per Annum  | \$4,162                               |
| School Traffic Guard         | Hourly     | \$17.07                               |
| Secretary/Board & Committee  | Per Annum* | \$1,800.00                            |
| Tax Search Officer           | Per Annum  | \$11,336.00                           |
| Zoning Officer               | Per Annum  | \$5,273.00                            |
| Municipal Court Attendee     | Hourly     | \$22.03                               |
| Park Attendant               | Hourly     | 15.26                                 |

|            |        |                                                                |
|------------|--------|----------------------------------------------------------------|
| All Others | Hourly | Federal Minimum<br>Wage up to Step1 In<br>Applicable Job Title |
|------------|--------|----------------------------------------------------------------|

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

Section IV. Eligibility

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

Section V. Longevity

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

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

Section VI. Other Personnel and Working Conditions

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

Section VII. Repealer

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

Section VIII. Severability

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

Section IX. Effective Date

- A. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption.
- B. All salary or compensation provided for and by this ordinance shall be effective the first day of January.

Adopted: May 2, 2017

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

Ordinance 2263-17 was approved on the following roll call vote:

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

~~~

Mayor Maffei read by title, an ordinance entitled, “AN ORDINANCE AMENDING ORDINANCE NO. 2224-16 ENTITLED AN ORDINANCE AMENDING CHAPTER 6A, ‘FEES: THE CONSOLIDATED LICENSE, PERMIT AND FEE CHAPTER’ OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE” – Recreation Fees

Ordinance No. 2264-17

AN ORDINANCE AMENDING ORDINANCE NO. 2224-16 ENTITLED AN ORDINANCE AMENDING CHAPTER 6A, “FEES: THE CONSOLIDATED LICENSE, PERMIT AND FEE CHAPTER” OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE”

SECTION I. BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that section 6A-23 “Recreation Fees” is hereby amended as follows:

<u>ACTIVITY</u>	<u>Present Fee</u>
Art/Theater Camp, Full Day until April 30	\$260.00
Art/Theater Camp, Full Day after April 30	\$275.00
Art/Theater Camp, Half Day until April 30	\$185.00
Art/Theater Camp, Half Day after April 3	\$195.00
Art, Winter	\$85.00
Basketball, Competitive	\$125.00
Basketball, Summer Teen	\$65.00
Basketball, Youth	\$85.00
Bocce	\$5.00
Camp, After Care	\$60.00
Camp, Before Care	\$50.00
Cheerleading	\$55.00
Field Hockey, Indoor	\$75.00
Fitness Trainer	\$60.00
Garden Plot, Resident	\$45.00
Garden Plot, Non-resident	\$90.00
<u>Nature Center Camp, Week</u>	<u>\$185.00</u>
Playgrounds, Full Day until April 30	\$290.00
Playgrounds, Full Day after April 30	\$305.00
Playgrounds, Half Day until April 30	\$200.00
Playgrounds, Half Day after April 30	\$215.00
Safety Town	\$75.00
Senior Instruction	\$3.00 per class
Sports Camps, Full Day until April 30	\$260.00
Sports Camps, Half Day until April 30	\$185.00
Sports Camps, Full Day after April 30	\$275.00
Sports Camps, Half Day after April 30	\$200.00
Sports Clinics	\$40.00
Swim Lessons	\$80.00
Swim Team	
October – March, Level 1, 2 days/week	\$215.00
October – March, Level 2, 2 days/week	\$190.00
October – March, Level 3, 2 days/week	\$190.00
October – March, Level 1, 1 day/week	\$100.00
October – March, Level 2, 1 day/week	\$85.00
April – May, Level 1	\$70.00
April – May, Level 2	\$70.00
Tennis Instruction, Adult	\$85.00
Tennis Instruction, Youth	\$11.00/HR
Travel Camp, Daily (Resident)	\$85.00
Travel Camp, Daily (Non-resident)	\$100.00
Travel Camp, Week (Resident)	\$295.00
Travel Camp, Week (Non-resident)	\$350.00
Volleyball	\$70.00

Wrestling	\$45.00
<u>PERMIT</u>	
Picnic/Park/Facility	\$45.00
Athletic Field w/o lights	\$90/3 hours
Athletic Field w/lights	\$150/3 hours
<u>SWIMMING POOL</u>	
Family Membership	
School Year	\$165.00
Summer	\$115.00
Individual Membership	
School Year	\$90.00
Summer	\$70.00
Senior Membership	
School Year	\$25.00
Summer	\$20.00
Daily Fee (all year Non-member)	\$5.00
Dip Ticket	\$5.00

Section 2. Miscellaneous Fee

Except as provided for, fees for non-residents and organizations with their base of operation not in Lawrence Township shall be twice the established fee. (established in Ord. 1125-88)

Section 3. Financial Assistance for Program Fees

Upon review of gross household income and family size the Superintendent of Recreation can issue a partial scholarship to Lawrence Township residents for Recreation Department fees set forth in said ordinance. Qualified participants will be assessed 35% or 65% of the registration fee. Travel Camp participants meeting the guidelines will be required to pay a minimum of \$125 per week. (established in Ord. 1627-00 amended in Ord. 1966-08)

Section 4. Refunds of Registration Fees

Individuals withdrawing from a program before the start date will receive a refund, minus 25% of the established registration. No refund will be issued if the participant withdraws after the starting date of the activity. (established in Ord. 1996-08)

Section 5. Temporary Food License for Community Day

Individuals must obtain a temporary food license for the purpose of distributing food and/or beverages at Community Day and meet all the requirements as outlined by the Lawrence Township Health Department. The fee for non-profit or not for profit organizations based in Lawrence Township will be waived. (established in Ord. 1996-08)

Section 6. Repealer

All ordinances or parts of same inconsistent with any provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 7. 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 8. Effective Date

This ordinance shall become effective twenty (20) days after adoption thereof.

Additions are underlined ____

Ordinance 2264-17 was approved on the following roll call vote:

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

Manager's Report –

Mr. Nerwinski reported over the past two weeks he has spent time meeting with various groups and people throughout the town...heads/directors of Lawrenceville School, Rider University and BMS in an attempt to make the transition smooth along with Mr. Krawczun who attended the meet and greet with him as way of introduction. They also had a nice meeting with individuals from the Lawrence-Hopewell Trail, an important project to Mr. Krawczun who would like to see continues moving forward, and he met with various developers on pending and potential projects and principals

involved with the redevelopment proposal for the American Cyanamid site in West Windsor who felt it would be important to keep Lawrence Township in the loop of what is being proposed because of the impact it could have on the Township.

Mr. Nerwinski advised in the very near future he will be visiting the three firehouses to do some site previews and create a rapport with them, and he will also be meeting with various employees and directors to get a rhythm going with them as well.

Attorney's Report –

There was no Attorney's report.

Clerk's Report –

There was no Clerk's report.

Unfinished Business –

There was no unfinished business.

New Business –

There was no new business.

Public Participation (3-minute limitation per speaker) –

There was no public participation.

Resolutions

On a motion by Ms. Lewis, seconded by Mr. Powers, the Agenda was amended to approve this Resolution (18-I) prior to Public Participation. The Resolution was also read in full by Mayor Maffei and presented to members of the Police Unity Tour.

Resolution No. 202-17, Authorizing Support for the 2017 Police Unity Tour, was then approved by the following roll call vote:

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

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

Resolution Nos. 194-17 (18-A) through 204-17(18-K) with the exception of Resolution (18-I) were approved by the following roll call vote:

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

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

Council Initiatives/Liaison Reports –

Ms. Lewis reminded everyone that the Memorial Day Parade will take place on Saturday, May 27 and as always they are looking for more people and veterans to participate. Interested individuals can go to the Township website and sign up.

Ms. Lewis advised that HomeFront has been operating the Lawrence Township Community Center for several years now and they have raised some concerns about Federal Funding based on the federal budget and she feels it is time they come before the Council and give a report on all the good work they are doing at the Center and in the community.

Mr. Powers reported that Diversity Day is Sunday, May 7 from 12 Noon to 4 p.m. at the Lawrence High School Cafeteria and Jay Watson will be the keynote speaker.

Written Communications –

There was no written communication.

There being no further business to come before this Council, the meeting adjourned at 7.05 p.m.

Respectfully submitted by,

Kathleen S. Norcia, Municipal Clerk

Attest:

David C. Maffei, Mayor