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Minimum wage petition sent to state

By: Lea Kahn , Staff Writer

Township officials have opted to pass the Lawrence Living Wage Coalition's petition on to state lawmakers for consideration, agreeing the minimum wage issue belongs at the State House.

While Township Council has publicly stated concern over the legality of the proposed ordinance, many proponents showed up at its Tuesday meeting to vocalize their displeasure over the council's decision.

The state minimum wage is \$6.15 per hour and will increase to \$7.15 per hour in October. The petition, signed by 1,054 registered Lawrence voters last month — 54 more than the 1,000 needed for the argument to be heard — would raise the minimum wage in Lawrence Township to \$11.08 per hour and require employers to provide benefits worth at least \$3.50 per hour. It would apply to retail merchants that occupy at least 100,000 square feet of space and whose gross sales exceed \$1 billion.

Under those conditions, the ordinance would apply to Wal-Mart, which is seeking Planning Board approval to build a 149,000-square-foot store at 1060 and 1100 Spruce Street.

Four stores at the Quaker Bride Mall — Sears, J.C. Penney, Lord & Taylor and Macy's — also would have to comply. All of the stores occupy at least 100,000 square feet and have parent companies whose sales exceed \$1 billion. Municipal Attorney Kevin Nerwinski has said he wanted to get a judicial ruling on whether the township has the legal authority to set its own minimum wage. Mercer County Superior Court Judge Linda Feinberg ruled municipalities did not have such an authority.

At the suggestion of Councilman Greg Puliti, Township Council has decided to send the petition to state Sen. Shirley Turner and Assembly members Bonnie Watson-Coleman and Reed Gusciora (all D-15) for consideration. The lawmakers could then pass it on to the New Jersey Minimum Wage Commission, which was created by the Legislature last year to study the state's minimum wage, Mr. Puliti said.

That move did not satisfy many of the nearly two dozen audience members at the council meeting who have expressed support for the proposed Large Retail Living Wage and Benefits ordinance.

Falk Engel, the attorney representing the coalition, told Township Council the proposed ordinance "meets an imperative local need." Low-wage employment in a community is linked to increased social costs to taxpayers at the municipal, state and federal levels, he said.

"In lieu of asking taxpayers to subsidize these low-wage employees, we are asking the employers to pay their own way (through the ordinance)," said Mr. Engel, who also signed the petition. "We don't do welfare on the corporate level."

Mr. Engel said the living wage coalition was planning on appealing the judge's ruling.

Philip Vinch, of Lawrence Road, spoke out against the proposed ordinance.

Mr. Vinch, who was raised in the Eggerts Crossing neighborhood, said that poorer township residents did not have a negative impact on Lawrence. They all "pulled their own weight" and never asked for a hand-out, he said.

"As I remember history, slavery is gone," he said. "No one is dragging people into work. Trying to regulate (wages) is socialism — this is pure socialism."

Mr. Vinch, a developer, said he did not want anyone to think he was against a better standard of living.

"I have to pay people what I need to get help," he said. "That's a choice between me and my employees — between the minimum wage and \$40 an hour."

Carol Lerner, a coalition member from Pine Knoll Drive, was upset that the New Jersey Retail Merchants Association (NJRMA) joined the lawsuit on the township's behalf. She also criticized Mr. Nerwinski for claiming that the township's position was neutral, then allowing the NJRMA attorney to handle the case before Judge Feinberg.

Mr. Nerwinski said he did not have the power to decide whether or not NJRMA could participate in the proceedings. They had asked Judge Feinberg to allow them to take part, and she agreed, he said.

"If it appears that way to you, that's one thing," Mr. Nerwinski said. "You have 'victim's syndrome.' You want to feel that way."

Mr. Nerwinski said the township was only seeking a judge's ruling on the township's authority to act on the ordinance. The legal brief prepared argued that a township's right to set its own minimum wage was pre-empted by state law, he said.

Mayor Michael Powers and Councilman Puliti defended the township's position and the court proceedings, also noting it was the judge's decision to allow the merchants group to join in. No one was invited to join the lawsuit on the township's behalf, they said.

"We moved for an expedited hearing," Mayor Powers said.

Township Council could have allowed the lawsuit to drag on beyond Sept. 8, the deadline to put the question on the Nov. 6 election ballot, but it chose to seek a judge's ruling before that date, he said.

Though the coalition's ordinance might be down for now, members said they weren't ready to give up.

"Obviously, we are disturbed by the judge's decision, but this is New Jersey and this is politics," said Laura Lynch, of Lumar Road. "Nothing is ever as it seems. It looks like Democrats, even at the township level, are feeding out of the trough of corporate interests."

"We are not going away. The 'living wage' movement is alive and well," she added.