

(This Meeting was Held In-Person & via Zoom due to COVID-19)

July 12, 2022 – AGENDA SESSION

President Steward called the meeting to order at 6:32 p.m. and read the Open Public Meeting Statement:

The notice requirements provided for in the “Open Public Meetings Act” have been satisfied. Notice of this meeting was properly given in a notice which was transmitted to the Times of Trenton and the Trentonian all on the 5<sup>th</sup> of January 2022, filed with the Clerk of the Township of Ewing, and posted in the Ewing Township Municipal Complex.

The Public will have an opportunity to address the Council during the “Statements and Comments from Members of the Public” segment of the meeting. A member of the Public may sign in on the sheet at the front of the room or if you are joining us via Zoom, please use the raised hand function. You will be given five minutes of time for remarks and questions; questions should be directed to the Council President. When addressing the Council, please give your name and address.

ROLL CALL

- |                               |                                   |
|-------------------------------|-----------------------------------|
| ▪ Mr. Baxter – Present        | Jim McManimon, Administrator      |
| ▪ Ms. Keyes-Maloney – Present | Maeve Cannon, Attorney            |
| ▪ Mr. Schroth – Present       | Kim J. Macellaro, Municipal Clerk |
| ▪ Ms. Wollert – Present       |                                   |
| ▪ President Steward – Present |                                   |

DISCUSSION

1. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 319, SOLID WASTE

President Steward said that residential trash pick-up was re-awarded at the last Council meeting. Residents expressed concern that some residents were taking a generous view of how many bulk items could be placed at the curb. This will codify what is permitted and institute penalties if that limit is exceeded.

The Attorney said that the Ordinance already provides that no more than three bulk items can be placed at the curb. It has suffered from a robust enforcement penalty mechanism so there have been people emptying out entire houses and putting those contents at the curb. The Town does have a drop-off site. This adds a penalty section. The first offense is \$250.00, the second is \$500.00, and each subsequent offense is \$750.00 within eighteen consecutive months. It also cleans-up guidelines – for instance, mattresses and box springs can be placed at the curb only when completely wrapped in plastic.

Councilwoman Keyes-Maloney said that she did not know that wrapping was a requirement. She likes the clear eighteen-month window. The Councilwoman is not sure, but she thinks that a penalty of \$750 or higher might imply the eligibility for a Public Defender. As it is civil, it might fall outside of that, but she asked Counsel to verify.

Councilwoman Keyes-Maloney and the Attorney discussed that the MCIA and the DEP can enforce / can write under this Ordinance. Whether they will do so is not known because they have their own jurisdiction.

The Council President said that this was extended to eighteen months because they did not want it to be seen as a cost of doing business if it reverted to a first offense after say ninety days. They also investigated the cost of bulk disposal which is one reason why the first penalty is set at \$250.00. They wanted getting a Bagster dumpster to be cheaper than the fine.

Councilwoman Keyes-Maloney said that she has no issue with that, she just wanted to stay below the legal threshold.

There were no additional questions or comments from Council.

Victoria Mark (9 Patton Drive) asked what was the original penalty?  
President Steward replied that it was not spelled out.

There were no additional questions or comments from the Public.

President Steward asked the Administrator to make sure that the Police Department includes this in their packet of information given to renters.

The Administrator said that the Police always meet with incoming students. The student liaison at the college will be asked to notify students who live off-campus and realtors will also need to be notified.

President Steward said that Items Two and Three are on hold for the moment until the Township Planner joins the meeting via Zoom.

4. A RESOLUTION APPROVING CHANGE ORDER NO. 1 FINAL INCREASE TO BLACK ROCK ENTERPRISES, LLC FOR HOLLOWBROOK COMMUNITY CENTER PARKING LOT IMPROVEMENTS IN THE AMOUNT OF \$645.58

President Steward said that they are working on closing this project out.

There were no questions or comments from Council or the Public.

5. A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE BOND AND THE ACCEPTANCE OF A TWO-YEAR MAINTENANCE BOND FOR THE HOLLOWBROOK COMMUNITY CENTER PARKING LOT IMPROVEMENTS – EWING ENGINEERS REMINTON & VERNICK ENGINEERS RVE #1102-T-067

Council President Steward said that the work has been substantially completed. A two-year maintenance bond is being accepted so that the parking lot improvements stay as was agreed to by the Planning and Zoning Boards for this project.

There were no questions or comments from Council or the Public.

6. A RESOLUTION AUTHORIZING PAYMENT CERTIFICATE NO. 3 (FINAL) TO BLACK ROCK ENTERPRISES, LLC IN THE TOTAL AMOUNT OF \$34,178.11, REPRESENTING PAYMENT CERTIFICATE #3 IN THE AMOUNT OF \$30,520.00 AND RELEASE OF RETAINAGE IN THE AMOUNT OF \$3,658.11 FOR THE HOLLOWBROOK COMMUNITY CENTER PARKING LOT IMPROVEMENTS

There were no questions or comments from Council or the Public.

7. A RESOLUTION APPROVING CHANGE ORDER NO. 1 FINAL DECREASE TO SHORE TOP CONSTRUCTION CORP. FOR BANCHOFF PARK TENNIS COURT IMPROVEMENTS IN THE AMOUNT OF \$3,534.00

President Steward said that this came in under budget by \$3,534.00.

Councilman Schroth commented that he goes past these daily. The courts are spectacular and are being used frequently. They did a great job.

There were no additional questions or comments from Council. There were no questions or comments from the Public.

8. A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE BOND AND THE ACCEPTANCE OF A TWO-YEAR MAINTENANCE BOND FOR THE BANCHOFF PARK TENNIS COURT IMPROVEMENTS – EWING ENGINEERS REMINGTON & VERNICK ENGINEERS RVE #1102-T-064

Council President Steward said that this is the release of the performance bond and the acceptance of the maintenance bond for those tennis court improvements, so they stay just as lovely as they are now.

There were no questions or comments from Council or the Public.

9. A RESOLUTION AUTHORIZING PAYMENT CERTIFICATE NO. 2 (FINAL) TO SHORETOP CONSTRUCTION CORP IN THE TOTAL AMOUNT OF \$42,603.56, REPRESENTING PAYMENT CERTIFICATE NO. 2 IN THE AMOUNT OF \$37,784.00 AND RELEASE OF RETAINAGE IN THE AMOUNT OF \$4,819.56 FOR THE BANCHOFF PARK TENNIS COURT IMPROVEMENTS

There were no questions or comments from Council or the Public.

President Steward stated that the Township Planner has joined them on Zoom.

2. A RESOLUTION OF THE TOWNSHIP OF EWING DEMONSTRATING PROOF OF LOCAL SUPPORT FOR THE EXPANSION OF JG NEW JERSEY, LLC N/K/A JUSTICE CANNABIS CO., PREVIOUSLY ENDORSED FOR LICENSURE AS AN ALTERNATIVE TREATMENT CENTER, TO SIMULTANEOUSLY OPERATE AS BOTH A MEDICAL AND ADULT USE CANNABIS ESTABLISHMENT

Charles Latini (Township Planner via Zoom) explained that in 2018, when the first medical expansion took place and the new rules had not yet been adopted, Justice Grown came in through the Township's previously administrated process, when only a letter from the Mayor and proof of Zoning were required to apply. Since then, a Council Resolution is necessary. Because these new rules and regulations had been adopted, the CRC is requiring endorsements of any past applicants through a Resolution of Support. They can open for medical use without Council support, but they want to expand to adult use.

President Steward added, for the benefit of the public, that Justice Grown was issued a cultivating license off Prospect Street. This is for their retail establishment on North Olden which is called Bloc. State regulations require that proprietors such as this, must serve medical patients first.

Mr. Latini said that medical patients get priority no matter what. Failure to do that has led the CRC to significantly penalize several operators that have been allowed to go to recreation. These are not slap on the wrist fines, but rather penalties of tens of thousands of dollars. The State is serious about protecting patients.

Vice President Wollert said that it seems that a number of these dual-use facilities have been subsumed by the recreational. The State has stepped in; two hours a day servicing medicinal use seems to be okay, but two hours does not seem enough. Is there anything the Township can do to make sure medicinal use gets priority?

Mr. Latini said that he wondered the same thing.

The Attorney said that this area of canvas may be preempted by the State's regulations. The Town is allowed to regulate Zoning and other operational aspects, but in terms of medicinal versus recreational, the State has regulated that area. There may be a preemption issue.

President Steward said that she does not know if it is a matter of regulation or practice. In speaking with friends who are medical card holders, local establishments do have a separate line. It is essentially happening.

Councilwoman Keyes-Maloney added that taxation is completely different. Right now, it is non-taxed.

The Township Planner said that he is pretty sure that they need to maintain priority during all hours of operation, but he will double check. If it is not, they can work with Justice Grown so that it becomes practice.

Vice President Wollert said that it has been found that heavy recreational use has been leading to supply issues for medicinal and then asked the Township Planner to investigate it further.

Councilwoman Keyes-Maloney said that they are growing now, any idea when they will move into retail?

Mr. Latini replied that if it was not for a construction issue, they would be granted a temporary certificate of occupancy. They are looking to hold a soft opening either this weekend or next. They are ready.

Councilwoman Keyes-Maloney thanked the Township Planner for helping them work through the process and holding them to the specifics required by the site.

Councilman Schroth and the Attorney discussed whether the Town could enhance the fourteen hours. The Attorney said that the potential for a preemption issue is there. She will need to research it further.

President Steward said that she believes that the medicinal market will change over the coming months because she knows many people who are not renewing their

medicinal card because of the cost versus not too many benefits now that there is recreational. This will allow Justice Grown to apply to the CRC for that dual use, but it will be some months before it will take effect at that site.

The Township Planner responded – yes.

There were no additional questions or comments from Council.

Victoria Mark (9 Patton Drive) stated that because there is this issue with how many hours, Council is not going to approve it now.

Council President Steward replied that it is Council's intention to move it over to the full meeting. If it is found that medicinal customers are not being served, the question is whether Council has the option to further regulate the hours reserved for medicinal. That is what they are not sure of at this point. This can still be moved forward as that would take some months...President Steward explained that this will allow Justice Grown the ability to add recreational to their existing medicinal license; they still need to get the State's approval.

There were no additional questions or comments from the Public.

3. A RESOLUTION AUTHORIZING AND DIRECTING THE TOWNSHIP OF EWING PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION OF CERTAIN PROPERTIES LOCATED IN THE TOWNSHIP TO DETERMINE WHETHER SUCH PROPERTIES QUALIFY AS AN "AREA IN NEED OF REDEVELOPMENT" OR "AREA IN NEED OF REHABILITATION" UNDER THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW (N.J.S.A. 40A:12A-1 ET SEQ.)

Charles Latini (Township Planner – via Zoom) said that the Township is redeveloping both the General Motors and Naval Base sites. There has been some difficulty trying to get some of the properties which surround those sites to move. Certain properties are problematic – former gas stations and some vacant buildings along Scotch Road. The thought is to investigate whether those areas from the bowling alley through to the gas station formerly known as Picerno's, which were not originally declared as an area in need of redevelopment, meet the criteria to incentivize someone else to come in. It is his guess that most would not qualify as an area in need of redevelopment, but instead as an area in need of rehabilitation which would be helpful with some of the clean-up costs.

Council President Steward said that this is a request for the Planning Board to look at this more closely to see if these properties meet the criteria. The Planning Board will make a recommendation to Council.

Mr. Latini said that this just authorizes a study, it is not declaring it.

Councilwoman Keyes-Maloney added that from a tax credit perspective, rehabilitation might make them eligible for tax incentives. She looks forward to what Planning Board comes up with; it creates cohesion amongst the two sites.

There were no additional questions or comments from Council.

Marisa Henderson (via Zoom) asked why is the GM site apartments and not condominiums?

Mr. Latini responded that the Town does not have much control over whether somebody builds something for sale or for rent.

President Steward added that that is a business decision the developer made. The Town can control the nature of the building, but not whether they choose to rent them out or sell them. That is their business decision.

Ms. Henderson stated that she asked the question wrong. The original site was supposed to be condominiums and for rent as well. If they were condominiums, the Town would get tax credit for each. As apartments, the Town does not get a tax credit. The Council President said that she does not understand what Ms. Henderson meant by getting tax credits for each.

Ms. Henderson replied that if people owned or rented condominiums, the Town would get individual tax for each property just like a single residential home.

President Steward replied that the entire development is under a PILOT agreement. A significant amount of revenue is coming to the Township.

Mr. Latini added that the Town does not lose, it just gets taxed differently.

Ms. Henderson said that she thought it had changed because someone had backed out. The Township Planner said that that is true, but the design of the site largely remained the same.

Ms. Henderson stated that the taxes were more for the original design compared to what was approved.

There were no additional questions or comments from the Public.

All Discussion Items were approved for Action.

#### ALCOHOLIC BEVERAGE CONTROL MATTERS

1. A RESOLUTION CARRYING THE APPROVAL OF THE RENEWAL, WITH CONDITIONS, OF THE 2022-2023 EWING MUNICIPAL LIQUOR LICENSE FOR OMAHI, LLC t/a HK LIQUOR AND BAR, PLENARY RETAIL CONSUMPTION LICENSE NO. 1102-33-026-007, UNTIL THE AUGUST 9, 2022 MEETING OF THE EWING TOWNSHIP ALCOHOLIC BEVERAGE CONTROL BOARD

Council President Steward said that at the last meeting, Council authorized the issuance of charges against one of the Township liquor license holders with the intention of holding a hearing on it last evening. On the advice of their counsel, the liquor license holder has requested an extension for that hearing. During the break, Council will discuss a suitable time to reschedule the hearing in early August. Because the outcome of that hearing may include the imposition of conditions, this carries the approval of the renewal until the August 9<sup>th</sup> meeting.

There were no questions or comments from Council or the Public.

2. A RESOLUTION AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF SHREE KHODIYAR, INC. t/a LIBERTY LIQUORS (1102-44-018-008); A PLENARY RETAIL DISTRIBUTION LICENSE TO ADHVAIT, LLC t/a LIBERTY LIQUORS

President Steward said that this is a person-to-person transfer.

There were no questions or comments from Council or the Public.

Both Items were approved for Action.

#### BILLS LIST

1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$179,316.62

There were no questions or comments from Council or the Public.

#### CONSENT AGENDA

Council President Steward presented the Consent Agenda for review.

1. Approval of Agenda Session Minutes for March 22, 2022; Approval of Regular Session Minutes for March 22, 2022
2. A Resolution Authorizing the Celestial Church of Christ to Hold a Block Party/Road Closing on July 31, 2022
3. A Resolution Authorizing Corinth Baptist Church to Hold a Block Party/Road Closing on July 17, 2022
4. A Resolution Authorizing Donna Miller to Hold a Celebration of Life Block Party/Road Closing on August 20, 2022

There were no questions or comments from Council.

Victoria Mark (9 Patton Drive) stated that she is mentioning this again. Reading the minutes, she noticed that the addresses of Council are not listed in the minutes, but everyone else who spoke had their home addresses listed. Based on that, she would not approve them.

Marisa Henderson (via Zoom) said that she seconds what Ms. Mark just said as she sees her address on there. She has already had an issue which Council is aware, and she does not understand what it takes for Council to understand that this is a problem. You can protect yourself on social media by using other addresses/names. Residents have the right to be protected by the people hired by residents to speak for them. President Steward thanked Ms. Henderson for her thoughts.

Sarah Hendrickson (481 Walker Avenue) said that she agrees with both comments.

There were no additional questions or comments from the Public.

The Consent Agenda was approved for Action.

#### ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

(None for this Meeting)

#### ORDINANCE(S) FOR SECOND READING, PUBLIC HEARING AND FINAL ADOPTION

(None for this Meeting)

#### COMMISSION & COMMITTEE REPORTS FROM MEMBERS OF COUNCIL

President Steward reported that Planning Board met last week. They did a courtesy review of School Board projects which includes a new generator at the High School, some renovations to their memorial area behind the High School, putting in a picnic area there, putting a new sign in front of the High School, and renovations at Antheil. The Board appreciates them, even though not required to, being good partners and coming before the Board and taking feedback seriously. The primary application was the Ewing Cemetery which is looking to build a new memorial center and crematorium on their property. They will be the first to adopt a new cremation method. It was approved.

Council President Steward reported that the Ewing Cannabis Advisory Committee met this afternoon to discuss the status of current applicants. Some additional applicants had come forward. Any additional retail applications are finished for the year. The Committee did agree to meet in August to review a couple of additional applications that came forward. Some are previous applicants who have cured their applications; some are new. The earliest Council would see something is September.

Councilwoman Keyes-Maloney reported that the Arts Commission met last week to plan National Night Out. As part of that, there will be a public art project whereby the public will join them in a "I Heart Ewing" bottlecap design. It will be like the project at Hollowbrook with the younger children. The "Heart" will be worked on. The project may be continued at Community Fest in September. In addition, pieces of art, courtesy of the Seniors, are up and in the August timeframe, there will be a first-time display of artifacts. Councilwoman Keyes-Maloney said that the kick-off meeting for the Scarecrow Scavenger Hunt was held. It is in conjunction with the Green Team.

The Councilwoman reported that Sustainable Jersey has gotten back to the Green Team with some of their comments. Currently, they are at 350 points. 680 points were submitted. There will be an opportunity to cure the residual items. The good part is that the Town is already at the Silver Certification level. There was a weird item – they were not 100 % certain about the Town's commitment to a Green Team. Council and the Administration will be asked to sign on to a letter that affirms the Township's commitment to sustainability and the Green Team. Councilwoman Keyes-Maloney thanked everyone for their patience in getting through this process.

There were no additional Commission & Committee Reports from Members of Council.

**NEW BUSINESS**

**(None for this Meeting)**

**STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC**

Sarah Hendrickson (481 Walker Avenue) asked what does Silver Certification get the Township?

Councilwoman Keyes-Maloney replied that it allows the Town to apply for small grants. The Township used one of these grants to print a "Welcome to Ewing" guidebook and another to underwrite a rain barrel workshop and a rain garden or two.

President Steward added that the certification process gave a structure for the Township to take-on various projects.

There were no additional questions or comments from members of the Public.

**CLOSED SESSION**

**(None for this Meeting)**

**ADJOURNMENT**

There being no further business, President Steward asked for a motion to adjourn. Vice President Wollert so moved, seconded by Mr. Baxter. It was agreed by unanimous voice vote. The meeting was adjourned at 7:25 p.m.

---

Sarah Steward, President

---

Kim J. Macellaro, Municipal Clerk

(This Meeting was held In-Person & via Zoom due to COVID-19)

July 26, 2022 – AGENDA SESSION

President Steward called the meeting to order at 6:32 p.m. and read the Open Public Meetings Statement:

The notice requirements provided for in the “Open Public Meetings Act” have been satisfied. Notice of this meeting was properly given in a notice which was transmitted to the Times of Trenton and the Trentonian all on the 5<sup>th</sup> of January 2022, filed with the Clerk of the Township of Ewing, and posted in the Ewing Township Municipal Complex.

The Public will have an opportunity to address the Council during the “Statements and Comments from Members of the Public” segment of the meeting. A member of the Public may sign in on the sheet at the front of the room or if you are joining us via Zoom, please use the raised hand function. You will be given five minutes of time for remarks and questions; questions should be directed to the Council President. When addressing the Council, please give your name and address.

ROLL CALL

- |                                |                                   |
|--------------------------------|-----------------------------------|
| ▪ Mr. Baxter – Present         | Joanna Mustafa, CFO               |
| ▪ Ms. Keyes-Maloney – via Zoom | Michael Cedrone, Attorney         |
| ▪ Mr. Schroth – Present        | Kim J. Macellaro, Municipal Clerk |
| ▪ Ms. Wollert – Present        |                                   |
| ▪ President Steward – Excused  |                                   |

The Clerk stated for the record that President Steward is on vacation. In her absence, Vice President Kathy Wollert will be sitting in as Acting President.

DISCUSSION

1. RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

Acting President Wollert stated that there are three grants: \$7,000.00 for Drive Sober or Get Pulled Over; \$23,713.00 for Pedestrian Safety Education; \$3,078.28 for Body Armor for emergency responders and police officers.

The CFO stated that there is an amended Resolution which includes two additional health grants.

The Clerk apologized. The Acting Council President had not been given a paper copy of the amended Resolution although it is in Council Share. Acting President Wollert said that she is looking at her printed packet.

The CFO said that the first three are Police grants: Drive Sober or Get Pulled Over; the Pedestrian Safety grant is a new one for this year and the Body Armor Replacement are State funds to replace vests. The second two grants are from the State: Strengthening Local Public Health which is for COVID tracking/monitoring and \$50,000.00 is for vaccines.

Councilman Schroth asked what is the Pedestrian Safety grant for?

The CFO responded that she would ask Officer Bag for additional information tomorrow.

There were no additional questions or comments from Council. There were no questions or comments from the Public.

2. A RESOLUTION AUTHORIZING THE DONATION, RECYCLING OR DISPOSAL OF PROPERTY OF NOMINAL VALUE

The Acting President said that this equipment is from the Prospect Heights Volunteer Fire Company and will be donated to the Hunterdon County Emergency Services Training Academy. Acting President Wollert listed several of the items. The equipment is of minimal value and is not being used by Prospect Heights. Councilwoman Keyes-Maloney added that Ewing trains with Hunterdon County from time to time so this...(unclear).



The Acting President said that if they have a way to use this equipment, it is better to donate than just disposing it.

There were no additional questions or comments from Council. There were no questions or comments from the Public.

**3. A RESOLUTION REJECTING ALL BIDS RECEIVED IN RESPONSE TO THE TOWNSHIP'S REQUEST FOR PROPOSAL FOR DESIGN SERVICES FOR THE RECONSTRUCTION OF THE POOLS AT THE EWING SENIOR COMMUNITY CENTER**

Acting President Wollert said that generally the reason why these are rejected is that the company is not in compliance, or that the bids were too high.

The CFO explained that, in this case, the funding on the Township's part, was not sorted out. There is a timeframe as to when a bid must be awarded, so everything must be rejected as the Town is still awaiting funding from the County and the Green Trust.

Councilman Schroth asked if the bids were never opened because the Township did not have the funding?

The CFO replied that the bids were opened and evaluated, and the Town was ready to award based on receiving the funding. The Township did receive the actual funding agreement from the County, but it still needs to go through the County Commissioners. Until she has that, the CFO stated that she cannot certify funds for the project. The Department concerned thought the funding was secure and did not know so many hoops needed to be jumped through.

There were no additional questions or comments from Council. There were no questions or comments from the Public.

**4. A RESOLUTION AUTHORIZING EXTRAORDINARY, UNSPECIFIABLE SERVICES AGREEMENTS WITH THE TRENTON HEALTH TEAM, THROUGH A NON-FAIR AND OPEN PROCESS, TO PROVIDE AN INFECTIOUS DISEASE PREPAREDNESS GENERALIST (IDPG) AND LOCAL HEALTH OUTREACH COORDINATOR (LHOC)**

Acting President Wollert said that the funds will come to the Township through grants. The Town had funds for Infectious Disease Preparedness in the amount of \$78,750.00 and \$85,245.00 for a Local Health Outreach Coordinator. This contract will be with the Trenton Health Team located on West State Street in Trenton. They will assist the Township for one year. This is a result of COVID.

There were no questions or comments from Council or the Public.

**5. A RESOLUTION GRANTING CHRISTOPHER RUSSOMANNO PERMISSION TO RECEIVE HIS SERVICE FIREARM (GLOCK 45, 9MM SEMI-AUTOMATIC PISTOL SERIAL NUMBER BLAS593) UPON HIS RETIREMENT FROM THE EWING TOWNSHIP POLICE DEPARTMENT AUGUST 1, 2022**

The Acting President said that this is a longstanding practice here in Ewing.

There were no questions or comments from Council or the Public.

All Discussion Items were Approved for Action.

**BILLS LIST**

- 1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$741,788.24 and to Pay Supplemental Bills per Resolution #22R-11 in the Amount of \$1,399.47**

Acting President Wollert said that this is a list with amounts that the public can access to see where their tax money goes.

There were no questions or comments from Council.

Victoria Mark (9 Patton Drive) asked what it means when it says Pensions - Retro Salary – 2018 - \$11,000.00.

Acting President Wollert explained that a contract was not settled for that particular year. The employees covered by that contract were due a retroactive salary increase. Salary is pensionable. The CFO wrote a report. It represents what the Township had to pay retroactively for that salary increase.

Ms. Mark asked about Sparkling Pools – was that the one on Olden?

Acting President Wollert replied that they are on Reed Road now. They provide lifeguards...

The CFO said that it is for pool supplies.

Ms. Mark said lifeguards are provided by American Pools. Both Councilman Baxter and the Clerk confirmed that.

Ms. Mark said that she is curious about ShopRite bakery - \$400.00.

The CFO replied that that is snack supplies for the concession stand at the pools. The Recreation Trust purchases it and then it is sold to the people.

There were no additional questions or comments from the Public.

### CONSENT AGENDA

Acting President Wollert presented the Consent Agenda for review.

1. Approval of Agenda Session Minutes for April 12, 2022; Approval of Regular Session Minutes for April 12, 2022.
2. A Resolution Authorizing the Ewing Green Team to Hold their Annual Fall Spin Bike Ride on Saturday, September 24<sup>th</sup>, 2022
3. A Resolution Authorizing Stout Street Neighbors to Hold a Block Party/Road Closing on July 30, 2022

There were no questions or comments from Council.

Victoria Mark (9 Patton Drive) said that she again wanted to bring up the minutes – that her personal address is in those minutes along with anyone else who speaks at these meetings. Council members' personal information is not given in the minutes. There has been an incident which has not been addressed and is being ignored. These minutes should not be approved until a decision is made favorably to get their personal information out of the minutes.

Acting President Wollert replied that she does understand Ms. Mark's concern. Council's personal addresses are readily available.

Ms. Mark said – put them in the minutes.

The Acting President said that it is her personal view, that people who come to Council meetings or attend via Zoom, are making statements reflective of things going on in Town. They are Township residents. If you are going to make a statement in public, you should be identified. Some Towns have banned non-residents from asking questions. That is not a good idea. It helps the Public to know, when the minutes are published, where the minutes are coming from. Not to target anybody...

Ms. Mark said – but that has happened. It could say next to the name – Ewing resident – it does not need to say 9 Patton Drive.

Acting President Wollert said that that would not be known if it is not said.

Ms. Mark said that she is not alone.

The Acting President Wollert replied that she knows that. This has been the practice for all the years that she has been on Council and before.

Ms. Mark responded that it is a Council decision. It is not a question of a state law.

Acting President Wollert said that as of now there has been no decision by Council and added that she appreciates Ms. Mark's comments and understands Ms. Mark's position.

Ms. Mark stated that she will bring this up again and again. These minutes should not be published with that information.

The Acting President said that all of Council understands her position.

Marisa Henderson (Woodland Avenue – via Zoom) asked if the block party resolution had been approved.

Acting President Wollert replied – no. It is a discussion item. Council has not yet gone into its regular meeting.

Ms. Henderson said that a meeting or two ago, a block party request was turned down.

Acting President Wollert stated that she does not recall that happening. The Acting President stated that she is hearing that that block party was not on the Agenda. There had been discussions as to how block parties should be regulated. There has been no decision. The recollection of Council members and members of the Administration here tonight, is that there was no Resolution denying permission to hold a block party. There was a general discussion about block parties and street closings. No action was taken.

There were no additional questions or comments from the Public.

#### ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

(None for this Meeting)

#### ORDINANCE(S) FOR SECOND READING, PUBLIC HEARING AND FINAL ADOPTION

1. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 319, SOLID WASTE

The Acting President said that this deals with bulk items. It regulates that and imposes fines for not following the regulations.

There were no questions or comments from Council or the Public.

#### COMMISSION & COMMITTEE REPORTS FROM MEMBERS OF COUNCIL

Councilwoman Keyes-Maloney reported that the Environmental Commission met last week and had conversations about their fall program and their policy directives regarding climate change issues.

There were no additional Commission & Committee Reports from Members of Council.

#### NEW BUSINESS

(None of this Meeting)

#### STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Victoria Mark (9 Patton Drive) thanked Councilwoman Keyes-Maloney for holding the Arts Committee meeting via Zoom. It was held at the Senior Center, so this can be done.

Marisa Henderson (Woodland Avenue) stated that only the street name needs to be put into the minutes. House numbers are not necessary; no one needs to know that.

There were no additional statements and comments from the Public.

#### CLOSED SESSION

(None for this Meeting)

#### ADJOURNMENT

There being no further business, Acting President Wollert asked for a motion to adjourn. Mr. Schroth so moved seconded by Mr. Baxter. It was agreed by unanimous voice vote. The meeting was adjourned at 6:57 p.m.

(This Meeting was held In-Person & via Zoom due to COVID-19)

July 12, 2022 – REGULAR SESSION

President Steward called the meeting to order at 7:34 p.m.

The Clerk gave the Invocation: Almighty God, we ask that you bless us and help us seek your wisdom, guidance, courage, and strength. Be with us in our deliberations and help us to be wise in the decisions we make for the good of all those who have placed their trust and confidence in our leadership. Give us insight to lead with integrity that our decisions may reflect what is right and good and grant us humility to always seek your will in all that we do and say. Amen.

Flag Salute

Council President Steward read the Open Public Meetings Statement:

The notice requirements provided for in the “Open Public Meetings Act” have been satisfied. Notice of this meeting was properly given in a notice which was transmitted to the Times of Trenton and the Trentonian all on the 5<sup>th</sup> of January 2022, filed with the Clerk of the Township of Ewing, and posted in the Ewing Township Municipal Complex.

The Public will have an opportunity to address the Council during the “Statements and Comments from Members of the Public” segment of the meeting. A member of the Public may sign in on the sheet at the front of the room or if you are joining us via Zoom, please use the raised hand function. You will be given five minutes of time for remarks and questions; questions should be directed to the Council President. When addressing the Council, please give your name and address.

ROLL CALL

- |                               |                                   |
|-------------------------------|-----------------------------------|
| ▪ Mr. Baxter – Present        | Jim McManimon, Administrator      |
| ▪ Ms. Keyes-Maloney – Present | Maeve Cannon, Attorney            |
| ▪ Mr. Schroth – Present       | Kim J. Macellaro, Municipal Clerk |
| ▪ Ms. Wollert – Present       |                                   |
| ▪ President Steward – Present |                                   |

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC FOR ITEMS NOT ON THE AGENDA

Marisa Henderson (via Zoom) stated that on behalf of the Brae Burn Civic Association the Police were called the Friday before the Fourth of July for two items. One, about twelve to fifteen students were walking past the Pennington Road Fire House with open bottles of beer and liquor, drinking. They were heading to the apartments across from the old Quick Chek. Nothing was done – the Police never came. Their second call was for Florence Avenue – aerial fireworks were landing on cars, homes, and people - nothing was done about that either. It is their understanding that aerial fireworks are illegal. The Association wanted to make Council aware. Drinking on the sidewalk is also not legal. President Steward thanked Ms. Henderson and said that those concerns will be investigated.

There were no additional Statements and Comments from Members of the Public.

BILLS LIST

1. The Clerk read (**Resolution #22R-125**) A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$179,316.62

There were no questions or comments from Council or the Public. Ms. Keyes-Maloney then moved the Resolution, seconded by Vice President Wollert. President Steward asked for a roll call.

**ROLL CALL**

Ms. Wollert	YES
Ms. Keyes-Maloney	YES
Mr. Baxter	YES
Mr. Schroth	YES
President Steward	YES

The above-referenced Bills List Resolution and the Bills List are available in the Clerk's Office in the 2022 Resolution Book Number One.

*The Clerk read: All items listed under Consent Agenda are considered routine by the Township Council and will be enacted by one motion in the form listed below. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and considered separately. There will be one motion for all items listed.*

**CONSENT AGENDA**

The Clerk read the Consent Agenda: (Resolution #22R-126/)

1. Approval of Agenda Session Minutes for March 22, 2022; Approval of Regular Session Minutes for March 22, 2022
2. A Resolution Authorizing the Celestial Church of Christ to Hold a Block Party/Road Closing on July 31, 2022
3. A Resolution Authorizing Corinth Baptist Church to Hold a Block Party/Road Closing on July 17, 2022
4. A Resolution Authorizing Donna Miller to Hold a Celebration of Life Block Party/Road Closing on August 20, 2022

There were no questions or comments from Council.

Victoria Mark (9 Patton Drive) said that, as she mentioned before, in terms of the approval of the Agenda for March 22, it should not be approved.

Marisa Henderson (via Zoom) said that she also agrees with Ms. Mark; this should not be approved.

There were no additional questions or comments from the Public.

Councilman Baxter asked, with regards to these minutes, is not Council approving the fact that they are accurately written?

President Steward said – yes, that is correct. Disagreeing with the Council's practice is not a reason to vote down the minutes. If the minutes accurately reflect what occurred in the meeting...The Council President stated that she believes that what the residents are expressing is a preference for Council to change its procedure. This reflects what was said in the meeting accurately.

There were no additional questions or comments from Council.

Mr. Baxter then moved the Resolution, seconded by Vice President Wollert. Council President Steward called for a roll call.

**ROLL CALL**

Ms. Wollert	YES
Mr. Baxter	YES
Ms. Keyes-Maloney	YES
Mr. Schroth	YES
President Steward	YES

The above-referenced Minutes are available in the Clerk's Office in the 2022 Agenda Session and Regular Session Minute Books. The above referenced Consent Agenda Resolutions are available in the Clerk's Office in the 2022 Resolution Book Number One.

**ALCOHOLIC BEVERAGE CONTROL MATTERS**

1. The Clerk read (**Resolution #22R-127**) A RESOLUTION CARRYING THE APPROVAL OF THE RENEWAL, WITH CONDITIONS, OF THE 2022-2023 EWING MUNICIPAL LIQUOR LICENSE FOR OMAHI, LLC t/a HK LIQUOR AND BAR, PLENARY RETAIL CONSUMPTION LICENSE NO. 1102-33-026-007, UNTIL THE AUGUST 9, 2022 MEETING OF THE EWING TOWNSHIP ALCOHOLIC BEVERAGE CONTROL BOARD

There were no questions or comments from Council or the Public. Mr. Schroth then moved the Resolution, seconded by Ms. Keyes-Maloney. The Council President called for a roll call.

**ROLL CALL**

Ms. Keyes-Maloney	YES
Mr. Schroth	YES
Mr. Baxter	YES
Ms. Wollert	YES
President Steward	YES

2. The Clerk read (**Resolution #22R-128**) A RESOLUTION AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF SHREE KHODIYAR, INC. t/a LIBERTY LIQUORS (1102-44-018-008); A PLENARY RETAIL DISTRIBUTION LICENSE TO ADHVAIT, LLC t/a LIBERTY LIQUORS

There were no questions or comments from Council or the Public. Vice President Wollert then moved the Resolution, seconded by Mr. Schroth. President Steward called for a roll call.

**ROLL CALL**

Mr. Schroth	YES
Ms. Wollert	YES
Mr. Baxter	YES
Ms. Keyes-Maloney	YES
President Steward	YES

The above-referenced Alcoholic Beverage Control Matters Resolutions are available in the Clerk's Office in the 2022 Resolution Book Number One.

**ORDINANCE(S) FOR FIRST READING AND INTRODUCTION**

1. The Clerk read (**Ordinance #22-14**) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 319, SOLID WASTE

Council President Steward said that this is an effort to be clear about the requirement about putting no more than three bulky items at the curb on residential trash pick-up days and instituting an escalating series of fines. It is also making clear in the Ordinance that, while disposing of mattresses and box springs is permitted at the curb, those items must be enclosed in plastic for them to be picked up. It is hoped that this will address concerns about folks putting out far more than three bulky items and discouraging that by instituting some penalties, especially escalating ones, for repeat offenders.

There were no questions or comments from Council or the Public. Ms. Keyes-Maloney then moved the Ordinance, seconded by Vice President Wollert. The Council President called for a roll call.

**ROLL CALL**

Ms. Wollert	YES
Ms. Keyes-Maloney	YES
Mr. Baxter	YES
Mr. Schroth	YES
President Steward	YES

President Steward noted that that Public Defender issue should be researched before the next meeting so any necessary changes can be made.

The Attorney said that she tried to find the answer; the only thing that she could find is that it is 'significant jeopardy' - incarceration, or substantial penalties – but no dollar amount was given.

Councilman Schroth asked – what was the question?

The Attorney replied – what level of penalty, in Municipal Court, would qualify for the appointment of a public defender. Since the penalty, here, for the third offense is \$750.00, Councilwoman Keyes-Maloney wondered if that would trigger a potential application for a public defender.

#### ORDINANCE(S) FOR SECOND READING, PUBLIC HEARING AND FINAL ADOPTION

(None for this Meeting)

#### NEW BUSINESS

1. The Clerk read **(Resolution #22R-129) A RESOLUTION OF THE TOWNSHIP OF EWING DEMONSTRATING PROOF OF LOCAL SUPPORT FOR THE EXPANSION OF JG NEW JERSEY, LLC N/K/A JUSTICE CANNABIS CO., PREVIOUSLY ENDORSED FOR LICENSURE AS AN ALTERNATIVE TREATMENT CENTER, TO SIMULTANEOUSLY OPERATE AS BOTH A MEDICAL AND ADULT USE CANNABIS ESTABLISHMENT**

President Steward said that this licensee was an early recipient of a vertically integrated cannabis medical use license, so they are cultivating and manufacturing in Ewing and are about to open their medical retail facility on Olden Avenue. Since that approval was granted, the CRC has changed the rules and is allowing those in their situation to apply to the CRC for the ability to also, in their retail establishment, offer adult use. This Resolution will demonstrate proof of support for that so they can apply to the CRC. It is expected that this approval could take months. Council President Steward added that Council discussed the CRC regulations that require, in this situation, special hours and access for medical use and that the purveyor needs to demonstrate to the CRC that they have adequate supply to meet their medical customer demand so that the medical use population is not being displaced by the recreational use population.

Councilman Schroth said that he does not recall if the regulations address the size and scope of an operation, if by becoming a retail outlet as well, do they theoretically double in size?

The Attorney said that the physical structure is not going to change. The volume of customers will increase dramatically as is being seen now across the State. But, right now, only medicinal purveyors have received approval from the CRC. There is large volume at those locations because only ten throughout the State are approved to sell adult use. There are a lot of other non-medicinal in the pipeline that would be operational in a year. There are no restrictions on the volume except for a medicinal to get an adult use, they need to demonstrate to the CRC that they have adequate supply and can service their existing medical use clientele. That is why this approval is months away.

Councilman Schroth said that by granting them this permission, is Council, theoretically, granting an operation the size of say a Taco Bell, to become the size of say a Shop Rite.

The Attorney replied that the footprint will stay the same.

Councilman Schroth asked what happens if they want to relocate?

The Attorney responded that they would need approval from this Body and the CRC.

President Steward added that they would still need to conform to the Township's planning and zoning requirements for these facilities.

The Attorney added that there is a natural cap based on zoning – proximity limitations and where they can locate throughout the Town – there are only so many locations that meet the zoning requirements.

Councilman Schroth said that he just does not want to open Pandora's Box and a business can just keep expanding because they technically meet the zoning requirements. For instance, what if Shop Rite closed, and this business wanted to move to that location – it meets the Zoning requirements – then, the Town would have a cannabis warehouse.

Council President Steward added that, in looking at other states where this has been legalized, the business model just does not support that level of square footage.

Councilman Schroth replied – most likely not – but there was the applicant that wanted to be located at the old ETS building which is...

Council President Steward replied that that was cultivation and manufacturing, no retail.

The Attorney added – the Township is licensing these on an annual basis...Council can just not approve the relocation.

President Steward commented that it would be like a liquor establishment that wanted to expand.

There were no additional questions or comments from Council.

Victoria Mark (9 Patton Drive) asked if there was an empty building right next to them, could they just buy that building and do recreational there.

President Steward replied - no. Any expansion of business would need to be approved. A current liquor license that wanted to expand their storage – conditions were placed on that license. It would not be automatic.

The Attorney added that a second licensed premise would fall under the proximity restrictions which are already in the Township Ordinances. Plus, this is a heavily regulated industry – it is not easy to even get licensed in the first place. It is not like opening a second 7-11 on the same block.

Councilman Schroth added that the public would also have input.

Ms. Mark stated that it satisfies her to know that it would be an entirely different license.

There were no additional questions or comments from the Public.

Mr. Baxter then moved the Resolution, seconded by Ms. Keyes-Maloney. Council President Steward called for a roll call.

**ROLL CALL**

Ms. Keyes-Maloney	YES
Mr. Baxter	YES
Mr. Schroth	YES
Ms. Wollert	YES
President Steward	YES

2. The Clerk read (Resolution #22R-130) A RESOLUTION AUTHORIZING AND DIRECTING THE TOWNSHIP OF EWING PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION OF CERTAIN PROPERTIES LOCATED IN THE TOWNSHIP TO DETERMINE WHETHER SUCH PROPERTIES QUALIFY AS AN "AREA IN NEED OF REDEVELOPMENT" OR "AREA IN NEED OF REHABILITATION" UNDER THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW (N.J.S.A. 40A:12A-1 ET SEQ.)

President Steward said that this is part of the Township's ongoing efforts to be responsible leaders of redevelopment in this Community. Several properties have been identified that may benefit from the designations of being an "Area in Need of Redevelopment" or an "Area in Need of Rehabilitation", partly because that opens tools and remedies that help support those businesses being redeveloped. This asks the Planning Board to look at these properties and to make recommendations to Council. There are specific legal requirements for these designations.

There were no questions or comments from Council.

Marisa Henderson (via Zoom) asked what are the properties?



President Steward said that the exact blocks/lots are listed in the Resolution. It is the properties around the Parkway Avenue Redevelopment Area that were not included in the original effort.

Ms. Henderson asked if this is done, what happens to those businesses? Does the Township take the property?

The Council President replied – no. The Resolution specifically states that the Township is not looking to take these properties via eminent domain. The Township is trying to engage in partnership with those property owners to find the best way to get them rehabilitated.

Ms. Henderson said that it becomes part of the PILOT program with GM, or not necessarily?

President Steward replied that it would not be part of that PILOT. It is hard to say what becomes of any of these individual properties.

The Attorney added that they would be eligible for a five-year PILOT for the cost of any improvements made to the property above the existing assessment. The increased value of the property is phased in over a five-year period with a zero tax increase that first year, then twenty, forty, sixty, eighty until one hundred percent is reached after the fifth year.

President Steward added that that would be one of the tools to incentivize them to make improvements to their property. It is separate from the PILOT around the GM site.

Ms. Henderson said that she misspoke; she meant that they would be part of a PILOT program. Her concern is that they could lose their business.

President Steward said that that is certainly not the Township's intent. It is an attempt to provide tools to improve their property or to be able to sell it.

There were no additional questions or comments from the Public.

Vice President Wollert then moved the Resolution, seconded by Mr. Schroth. The Council President asked for a roll call.

#### ROLL CALL

Mr. Schroth	YES
Ms. Wollert	YES
Mr. Baxter	YES
Ms. Keyes-Maloney	YES
President Steward	YES

Items Three through Nine were read as a Block.

3. The Clerk read (Resolution #22R-131) A RESOLUTION APPROVING CHANGE ORDER NO. 1 FINAL INCREASE TO BLACK ROCK ENTERPRISES, LLC FOR HOLLOWBROOK COMMUNITY CENTER PARKING LOT IMPROVEMENTS IN THE AMOUNT OF \$645.58
4. The Clerk read (Resolution #22R-132) A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE BOND AND THE ACCEPTANCE OF A TWO-YEAR MAINTENANCE BOND FOR THE HOLLOWBROOK COMMUNITY CENTER PARKING LOT IMPROVEMENTS – EWING ENGINEERS REMINTON & VERNICK ENGINEERS RVE #1102-T-067
5. The Clerk read (Resolution #22R-133) A RESOLUTION AUTHORIZING PAYMENT CERTIFICATE NO. 3 (FINAL) TO BLACK ROCK ENTERPRISES, LLC IN THE TOTAL AMOUNT OF \$34,178.11, REPRESENTING PAYMENT CERTIFICATE #3 IN THE AMOUNT OF \$30,520.00 AND RELEASE OF RETAINAGE IN THE AMOUNT OF \$3,658.11 FOR THE HOLLOWBROOK COMMUNITY CENTER PARKING LOT IMPROVEMENTS
6. The Clerk read (Resolution #22R-134) A RESOLUTION APPROVING CHANGE ORDER NO. 1 FINAL DECREASE TO SHORE TOP CONSTRUCTION CORP. FOR BANCHOFF PARK TENNIS COURT IMPROVEMENTS IN THE AMOUNT OF \$3,534.00

7. The Clerk read (Resolution #22R-135) A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE BOND AND THE ACCEPTANCE OF A TWO-YEAR MAINTENANCE BOND FOR THE BANCHOFF PARK TENNIS COURT IMPROVEMENTS – EWING ENGINEERS REMINGTON & VERNICK ENGINEERS RVE #1102-T-064
8. The Clerk read (Resolution #22R-136) A RESOLUTION AUTHORIZING PAYMENT CERTIFICATE NO. 2 (FINAL) TO SHORETOP CONSTRUCTION CORP IN THE TOTAL AMOUNT OF \$42,603.56, REPRESENTING PAYMENT CERTIFICATE NO. 2 IN THE AMOUNT OF \$37,784.00 AND RELEASE OF RETAINAGE IN THE AMOUNT OF \$4,819.56 FOR THE BANCHOFF PARK TENNIS COURT IMPROVEMENTS

President Steward said that these essentially represent the close out of these two projects.

There were no questions or comments from Council or the Public. Ms. Keyes-Maloney then moved the Resolutions, seconded by Vice President Wollert. Council President Steward called for a roll call.

**ROLL CALL**

Ms. Wollert	YES
Ms. Keyes-Maloney	YES
Mr. Baxter	YES
Mr. Schroth	YES
President Steward	YES

The above referenced New Business Resolutions are available in the Clerk's Office in the 2022 Resolution Book Number One.

**CLOSED SESSION**

(None for this Meeting)

**ADJOURNMENT**

There being no further business President Steward called for a motion to adjourn. Mr. Baxter so moved seconded by Mr. Schroth. It was agreed by unanimous voice vote. The meeting was adjourned at 8:07 p.m.

---

Sarah Steward, President

---

Kim J. Macellaro, Municipal Clerk

(This Meeting was held In-Person & via Zoom due to COVID-19)

July 26, 2022 – REGULAR SESSION

Acting President Wollert called the meeting to order at 7:06 p.m.

The Clerk gave the Invocation: Almighty God, we ask that you bless us and help us seek your wisdom, guidance, courage, and strength. Be with us in our deliberations and help us to be wise in the decisions we make for the good of all those who have placed their trust and confidence in our leadership. Give us insight to lead with integrity that our decisions may reflect what is right and good and grant us humility to always seek your will in all that we do and say. Amen.

Flag Salute

Acting President Wollert read the Open Public Meetings Statement:

The notice requirements provided for in the “Open Public Meetings Act” have been satisfied. Notice of this meeting was properly given in a notice which was transmitted to the Times of Trenton and the Trentonian all on the 5<sup>th</sup> of January 2022, filed with the Clerk of the Township of Ewing, and posted in the Ewing Township Municipal Complex.

The Public will have an opportunity to address the Council during the “Statements and Comments from Members of the Public” segment of the meeting. A member of the Public may sign in on the sheet at the front of the room or if you are joining us via Zoom, please use the raised hand function. You will be given five minutes of time for remarks and questions; questions should be directed to the Council President. When addressing the Council, please give your name and address.

ROLL CALL

- |                                |                                   |
|--------------------------------|-----------------------------------|
| ▪ Mr. Baxter – Present         | Joanna Mustafa, CFO               |
| ▪ Ms. Keyes-Maloney – via Zoom | Michael Cedrone, Attorney         |
| ▪ Mr. Schroth – Present        | Kim J. Macellaro, Municipal Clerk |
| ▪ Ms. Wollert – Present        |                                   |
| ▪ President Steward – Excused  |                                   |

The Clerk stated for the record that President Steward is absent this evening and Ms. Wollert will be filling in for her.

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC FOR ITEMS NOT ON THE AGENDA

Marisa Henderson (Woodland Avenue – via Zoom) said that it is her understanding that a micro cannabis site was just approved in a R2 Zone. She thought that this was not going to happen in a residential zone; that there were specific areas in which it was allowed.

Acting President Wollert said that she was not at that Zoning Board meeting, so she does not know the particulars of that. She did see notice that they considered a use variance, and it did pass. However, she is not sure of the rationale for that decision.

Councilwoman Keyes-Maloney said that it is her understanding that the sole issue before the Zoning Board was whether there could be more than one business operating out of the establishment. The variance was granted around that. The location was not before the Board. This is a micro business, and merely a cultivator. It is not a retail establishment. For the details, the Councilwoman urged Ms. Henderson to look at the minutes once made available.

Ms. Henderson asked if that is something Council feels...

Acting President Wollert stated that Council has no authority over the Zoning Board. They are an autonomous body. The only thing that could possibly be done would be a lawsuit against the decision.

The Attorney said that there is nothing that the Council can do.

Ms. Henderson heard that there is a possible lawsuit. Would it affect residents' taxes? There were a lot of things said at that meeting that were changed after the fact.

The Attorney said that it is better for them to review what was said instead of speculating and then they would be better suited to answer questions.

Councilman Schroth commented that as far as the litigation goes, normally in those lawsuits, what you are dealing with is the performance of whatever it is they are trying to do - they may be enjoined from opening the business at that location if it does not conform; it is not the typical lawsuit where you are looking for monetary damages. The Attorney said that this is all speculation. Ms. Henderson said that she is concerned because there was a petition from residents who live around it that was put aside.

Victoria Mark (9 Patton Drive) stated that she caught the tail end of that meeting and talked with people after. The public is not liked; they have no interest in listening to or working with the public. They shut Sarah down. They were rude and obnoxious. Ms. Mark said that she cannot believe that these people are allowed to do this. It even got to the point where Mr. Latini is throwing support to the public because he saw what was going on. Something needs to happen in terms of the hierarchy in that Zoning Board. Ms. Mark said that she does not know how those people got their positions on the Board, but someone needs to examine it. Ms. Mark added that if that had happened to her, she would not tolerate it.

Sarah Hendrickson (481 Walker Avenue) stated that the man who was running the meeting said to her that she was not allowed to give her opinion. Why is the public there if they are not allowed to give their opinions? Ms. Hendrickson said that when this first started, they had said that no cannabis growing center would be near a residential area. Although most of the nearby residents are in Lawrence, they adopted it anyway. There is a camp school near there in Lawrence. As it is on the border, Lawrence residents also needs to be taken into consideration. At the end of that meeting, Ms. Hendrickson said that she had wanted to ask if a member of the Environmental Commission was on the Board. Ms. Hendrickson said that she was told that she cannot ask another question. That question only had to do with who is on the Board, it was not a personal question. Ms. Hendrickson said that they favored this company because they cleaned the area around their business.

There were no additional statements and comments from members of the Public.

#### BILLS LIST

1. The Clerk read (Resolution #22R-137) A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$741,788.24 and to Pay Supplemental Bills per Resolution #22R-11 in the Amount of \$1,399.47

There were no questions or comments from Council or the Public. Mr. Schroth then moved the Resolution, seconded by Mr. Baxter. Acting President Wollert asked for a roll call.

#### ROLL CALL

Mr. Baxter	YES
Mr. Schroth	YES
Ms. Keyes-Maloney	YES
Acting President Wollert	YES

The above-referenced Bills List Resolution and the Bills List are available in the Clerk's Office in the 2022 Resolution Book Number One.

*The Clerk read: All items listed under Consent Agenda are considered routine by the Township Council and will be enacted by one motion in the form listed below. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and considered separately. There will be one motion for all items listed.*

#### CONSENT AGENDA

The Clerk read the Consent Agenda: (Resolution #22R-138/)

1. Approval of Agenda Session Minutes for April 12, 2022; Approval of Regular Session Minutes for April 12, 2022.
2. A Resolution Authorizing the Ewing Green Team to Hold their Annual Fall Spin Bike Ride on Saturday, September 24<sup>th</sup>, 2022

3. **A Resolution Authorizing Stout Street Neighbors to Hold a Block Party/Road Closing on July 30, 2022**

There were no questions or comments from Council.

Victoria Mark said that the Minutes should not be approved until the addresses are removed.

There were no additional questions or comments from the Public.

Mr. Baxter moved the Resolution and then said, as Council explained at the last meeting, if the minutes are accurate as to what was said at the meeting, that is what Council is voting on. Council heard what you have said about the addresses. It is something that could be changed in the future; but it has nothing to do with approving these minutes. It is a separate issue.

Acting President Wollert said that is a good point; to make that clear.

Mr. Schroth seconded the Resolution.

Acting President Wollert asked for a roll call.

**ROLL CALL**

Mr. Schroth	YES
Mr. Baxter	YES
Ms. Keyes-Maloney	YES
Acting President Wollert	YES

The above-referenced Minutes are available in the Clerk's Office in the 2022 Agenda Session and Regular Session Minute Books. The above-referenced Consent Agenda Resolutions are available in the Clerk's Office in the 2022 Resolution Book Number One.

**ORDINANCE(S) FOR FIRST READING AND INTRODUCTION**

**(None for this Meeting)**

**ORDINANCE(S) FOR SECOND READING, PUBLIC HEARING AND FINAL ADOPTION**

**1. The Clerk read (Ordinance #22-14) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 319, SOLID WASTE**

WHEREAS, the Township of Ewing (the "Township"), is desirous of amending Chapter 319 of the General Ordinances of the Township of Ewing to update various provisions to make it consistent with current practice and law, and to incorporate necessary changes regarding the disposal and pick up of yard and lawn waste.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Township of Ewing, County of Mercer that the Code of the Township of Ewing be amended as follows:

**Section 1 Chapter 319: Solid Waste, Article II: Collection; Garbage, Ashes and Waste**

**§ 319-8 Preparation of garbage and residential bulk waste.**

A. No person shall place or cause to be placed on any public street or other public place for collection any garbage, unless such garbage has been thoroughly drained of its moisture, properly wrapped in paper or plastic and deposited in a suitable receptacle. The word "garbage" shall mean the refuse of animal and vegetable matter which has been used or intended to be used for food.

B. At the designated time for collection, residential bulk waste as defined on this section, not to exceed three items on any collection day, may be placed at the curbside for collection. Electronic devices and construction debris, such as concrete, blacktop, roofing shingles and other large quantities of building materials, may not be placed at the curb for collection. Residents must make separate provision for the disposal of such materials. Electronic devices may be recycled at the designated Ewing Township facility without limit.

C. The term "residential bulk waste" shall mean large household waste and materials, including, but not limited to, furniture, lamps, appliances, toilets and fixtures, boxes, wood debris, small amounts of sheetrock, wood and flooring, and windows with the glass removed. Residential waste shall not include electronic devices or construction debris, such as concrete, blacktop, roof shingles and other large quantities of building or construction materials, or waste generated by a commercial entity. Mattresses and box springs may be placed at the curb but must be completely wrapped in plastic prior to be placed at the curb. Unwrapped mattresses and box springs will not be collected.

**§ 319-9 Sharp objects.**

No person or persons shall place in any receptacle containing garbage, waste, refuse or junk, placed on any public street or other public place for collection, any knife, glass or other sharp object or objects. Such items or objects shall be securely wrapped, tied or taped and placed in a suitable open receptacle separate from garbage, waste, refuse or junk.

**§ 319-10 Ashes and waste.**

No person or persons shall place in any receptacle containing garbage, placed on any public street or other public place for collection, any glass, cans, metals, ashes or other materials, or any waste, refuse or junk of like nature. All such material not constituting garbage shall, when placed on any public place or street for collection, be securely fastened together by tying or otherwise. Recyclable items shall be disposed of in accordance with Article III, Recycling, of this chapter.

**§ 319-11 Hours for placement.**

No garbage, ashes or waste shall be placed for collection along the public streets earlier than twelve (12) hours before the scheduled collection time of the day on which said garbage, ashes or waste is to be collected, according to the schedule of collection promulgated from time to time by the Mayor or designee.

**§ 319-12 Disposal of tires.**

No person operating a gasoline service station or any other place of business shall be permitted to leave tires of any kind or size for public or Township collection. Disposal of tires shall be made through private means or in accordance with Article III, Recycling. No resident may place tires at the curb for collection.

**§ 319-13 Garbage disposals.**

Garbage or solid wastes of any kind from domestic and/or commercial preparation, cooking, dispensing, handling, storage and/or sale of food may be discharged through a garbage grinder, disposal or similar device which will render the material harmless to the Ewing-Lawrence Sewer Authority Treatment Works.

**§ 319-14 Violations and penalties.**

A. Any person who is found to have violated § 319-8 shall, upon conviction thereof, be punished by a fine in accordance with the following schedule:

(1) First Offense: \$250

(2) Second Offense: \$500

(3) Each Subsequent Offense: \$750

B. A separate offense shall be deemed committed on each day, or part thereof, during or on which a violation occurs or continues. An offense shall be deemed a Second Offense if committed within eighteen (18) months of the First Offense. An offense shall be deemed a Subsequent Offense if committed within eighteen (18) months of the Second Offense.

C. The terms and provisions of this subsection may be enforced individually and severally by the Township of Ewing, the Mercer County Improvement Authority and the New Jersey Department of Environmental Protection.

**Section 2 Chapter 319: Solid Waste, Article VI: Penalties and Enforcement**

**§ 319-35 Enforcement.**

Except as provided under Article II, Collection: Garbage, Ashes and Waste, and Article III, Recycling, the enforcement authority of this chapter shall be the Police Department, Code Enforcement and Health Department of the Township of Ewing.

**§ 319-36 Violations and penalties.**

Unless a specific penalty is provided elsewhere in this chapter or in another ordinance of the Township for a particular violation, any person who shall violate any provision of this chapter or any other code adopted by reference herein by doing any act prohibited or declared to be unlawful or a violation thereof, or who shall engage in or exercise any business or occupation or do anything for which a license or permit is required without having a valid license or permit therefor as required, or who shall fail to do any act required by any such provision, or when such provision declares such failure to be unlawful or to be a violation, shall, upon conviction thereof, be punished by a fine not exceeding \$2,000 or by imprisonment for a term not exceeding 90 days or by a period of community service not exceeding 90 days, or such fine and imprisonment and/or community service, in the discretion of the Municipal Judge.

**Section 3 Severability.** Should any section, clause, sentence, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

**Section 4 Repealer.** All prior ordinances or parts of same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 5 Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

Adopted:

Ms. Keyes-Maloney made a motion to open the Public Hearing, seconded by Mr. Schroth. It was agreed by unanimous voice vote. There were no questions or comments from members of the Public on this Ordinance. Mr. Baxter made a motion to close the Public Hearing, seconded by Mr. Schroth. It was agreed by unanimous voice vote. Mr. Baxter then moved the Ordinance, seconded by Mr. Schroth. The Acting President called for a roll call.

**ROLL CALL**

Mr. Schroth	YES
Mr. Baxter	YES
Ms. Keyes-Maloney	YES
Acting President Wollert	YES

**NEW BUSINESS**

1. The Clerk read (**Resolution #22R-139**) RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

There were no questions or comments from Council or the Public. Mr. Schroth then moved the Resolution, seconded by Mr. Baxter. Acting President Wollert asked for a roll call.

**ROLL CALL**

Mr. Baxter	YES
Mr. Schroth	YES
Ms. Keyes-Maloney	YES
Acting President Wollert	YES

2. The Clerk read (**Resolution #22R-140**) A RESOLUTION AUTHORIZING THE DONATION, RECYCLING OR DISPOSAL OF PROPERTY OF NOMINAL VALUE

The Acting President said that this is equipment that is no longer used by the Prospect Heights Fire Company.

There were no questions or comments from Council or the Public. Mr. Baxter then moved the Resolution, seconded by Mr. Schroth. The Acting President asked for a roll call.

**ROLL CALL**

Mr. Schroth	YES
Mr. Baxter	YES
Ms. Keyes-Maloney	YES
Acting President Wollert	YES

3. The Clerk read (**Resolution #22R-141**) A RESOLUTION REJECTING ALL BIDS RECEIVED IN RESPONSE TO THE TOWNSHIP'S REQUEST FOR PROPOSAL FOR DESIGN SERVICES FOR THE RECONSTRUCTION OF THE POOLS AT THE EWING SENIOR COMMUNITY CENTER

There were no questions or comments from Council.

Sarah Hendrickson asked what is this for?

Acting President Wollert replied that it is for design services to reconstruct the pools. It is being rejected because the Township did not have the funding - the grant did not come through.

There were no additional questions or comments from the Public.

Mr. Baxter then moved the Resolution, seconded by Mr. Schroth. Acting President Wollert called for a roll call.

ROLL CALL

Mr. Schroth	YES
Mr. Baxter	YES
Ms. Keyes-Maloney	YES
Acting President Wollert	YES

4. The Clerk read (Resolution #22R-142) A RESOLUTION AUTHORIZING EXTRAORDINARY, UNSPECIFIABLE SERVICES AGREEMENTS WITH THE TRENTON HEALTH TEAM, THROUGH A NON-FAIR AND OPEN PROCESS, TO PROVIDE AN INFECTIOUS DISEASE PREPAREDNESS GENERALIST (IDPG) AND LOCAL HEALTH OUTREACH COORDINATOR (LHOC)

There were no questions or comments from Council or the Public. Ms. Keyes-Maloney then moved the Resolution, seconded by Mr. Schroth. The Acting President called for a roll call.

ROLL CALL

Mr. Schroth	YES
Ms. Keyes-Maloney	YES
Mr. Baxter	YES
Acting President Wollert	YES

5. The Clerk read (Resolution #22R-143) A RESOLUTION GRANTING CHRISTOPHER RUSSOMANNO PERMISSION TO RECEIVE HIS SERVICE FIREARM (GLOCK 45, 9MM SEMI-AUTOMATIC PISTOL SERIAL NUMBER BLAS593) UPON HIS RETIREMENT FROM THE EWING TOWNSHIP POLICE DEPARTMENT AUGUST 1, 2022

Acting President Wollert said that this is standard practice when an officer retires.

There were no questions or comments from Council or the Public. Mr. Schroth then moved the Resolution, seconded by Mr. Baxter. The Acting President asked for a roll call.

ROLL CALL

Mr. Baxter	YES
Mr. Schroth	YES
Ms. Keyes-Maloney	YES
Acting President Wollert	YES

The above-referenced New Business Resolutions are available in the Clerk's Office in the 2022 Resolution Book Number One.

CLOSED SESSION

(None for this Meeting)

ADJOURNMENT

There being no further business Acting President Wollert called for a motion to adjourn. Mr. Baxter so moved seconded by Mr. Schroth. It was agreed by unanimous voice vote. The meeting was adjourned at 7:30 p.m.

---

Kathleen Wollert, Acting President

---

Kim J. Macellaro, Municipal Clerk



**THE TOWNSHIP OF EWING**

Municipal Complex  
2 Jake Garzio Drive  
Ewing, NJ 08628



Phone: (609) 883-2900  
Admin. Fax: (609) 538-0729  
Clerk Fax: (609) 771-0480  
Web Address: [www.ewingnj.org](http://www.ewingnj.org)

**A RESOLUTION AUTHORIZING A REFUND, AS RECOMMENDED BY THE MUNICIPAL CLERK, TO BOSSY GIRL BAKERY IN THE AMOUNT OF \$50.00**

**Resolution #22R- WHEREAS, State Law authorizes the Municipal Clerk to recommend refunding of monies collected upon determination of an overpayment; and**

**WHEREAS, the Township Council is likewise authorized to confirm the Municipal Clerk's recommendation; now therefore**

**BE IT RESOLVED, that upon the thorough review and recommendation of the Municipal Clerk, the Governing Body of the Township does hereby resolve to authorize a refund in the total amount of \$50.00 (Community Fest - Account #161800) to Bossy Girl Bakery, Attn: Regina Pascucci, 33 Esther Avenue, Ewing, NJ 08618. Applicant applied as a food vendor with a fee of \$100.00, then decided to be a business vendor, so therefore \$50.00 needs to be refunded.**

**IT IS SO RESOLVED.**

**Certification:**

**I, Susan Bate, Deputy Municipal Clerk of the Township of Ewing, hereby certify that the above is a true copy of a Resolution adopted by the Governing Body of the Township of Ewing at a Regularly Scheduled Meeting of the Municipal Council of the Township of Ewing, County of Mercer, State of New Jersey held on the 22<sup>nd</sup> day of November 2022.**

**SEAL**

---

**Susan Bate, RMC  
Deputy Municipal Clerk**