

March 24, 2015 – AGENDA SESSION

President Keyes-Maloney called the meeting to order at 6:37 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, filed with the Clerk of the Township of Ewing and posted in the Ewing Township Municipal Complex, all on the 2nd day of January, 2015.

THE PUBLIC WILL HAVE AN OPPORTUNITY TO ADDRESS THE COUNCIL DURING THE “STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC” SEGMENT OF THE MEETING. MEMBERS OF THE PUBLIC ARE REQUESTED TO SIGN IN ON SHEET PROVIDED IN THE FRONT OF THE ROOM. ALL QUESTIONS AND COMMENTS FROM THE PUBLIC WILL BE DIRECTED TO THE COUNCIL PRESIDENT, WHEN ADDRESSING THE COUNCIL, PLEASE GIVE YOUR NAME AND YOUR ADDRESS.

THE COUNCIL INVITES AND ENCOURAGES PARTICIPATION BY THE PUBLIC IN ITS MEETINGS, HOWEVER A MEMBER OF THE PUBLIC MAY UTILIZE FIVE MINUTES OF TIME FOR REMARKS AND QUESTIONS, UNLESS OTHERWISE ENGAGED IN A DIALOGUE WITH A MEMBER OF THE COUNCIL, ANY FURTHER REMARKS OR QUESTIONS BEYOND THE TIME LIMIT MUST BE AUTHORIZED BY THE PRESIDENT OF THE COUNCIL.

ROLL CALL

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

The Clerk stated for the record that Ms. Wollert is excused.

PRESENTATION

1. **Proclamation Honoring the Ewing Arts Commission and the Success of their Student Art Show**

The Mayor said that the best part of his job is giving out Proclamations. The Mayor said that he was at the Art Show held at the Elks; a dialog with the Arts Commission followed which led to having art from the local schools being posted in the Municipal Building. The Mayor invited residents to view this artwork after the meeting. The Mayor then read the Proclamation.

2. **Proclamation Honoring the Ewing Recreation Honor Roll Inductees**

The Mayor said that he is very proud of each of the inductees who have devoted so much of their time and effort. The Mayor then called up each of the Inductees and presented their Proclamations.

Mr. Forst (Director of Community Affairs) said that he is honored to be a part of this Ewing recreation program and said that he gets to work with great people. President Keyes-Maloney remarked that this is the 12th inductee class; the first was in 1995. President Keyes-Maloney briefly discussed what she and Mr. Forst would like to do going forward with the Honor Roll and thanked the inductees for their service to the community.

President Keyes-Maloney then asked the members of the Recreation Advisory Board to stand and be recognized for the work that they do.

DISCUSSION

1. A RESOLUTION AUTHORIZING CY2014 RESERVE BUDGET TRANSFERS

President Keyes-Maloney said that this is something that we typically do this time of year to ensure that we have money where we need it in order to pay any bills that still need to be paid.

The CFO added that we have until the end of March to do this.

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

2. A RESOLUTION OF EMERGENCY TEMPORARY APPROPRIATION

President Keyes-Maloney explained that this allows for the continuation of business until the Township Budget is adopted.

Councilman Baxter asked how long is this for.

The CFO replied – one month.

President Keyes-Maloney added that there will be a special meeting to discuss the budget. It is tentatively scheduled for April 7th.

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

3. A RESOLUTION APPOINTING BROWN & BROWN METRO, INC. TO ADMINISTRATE RETIREE PRESCRIPTION DRUG PROGRAM

President Keyes-Maloney said that within the last year we have moved our retirees into the State Health Benefits Program. President Keyes-Maloney said that there was a differential in terms of what they were receiving as a prescription benefit that exceeded what they received through the State Health Benefits Program. This will ensure that the retirees will get the enhanced benefit while the Township sees significant savings two-fold. The first is that the Township was paying, without receiving the Medicare benefit that the State was receiving. Second, as a customary practice it is expected that any retiree, when they enter retirement as a public employee, has to enter the prescription program on the State side as well. This collapses the two programs into one, ensures that the employees are held harmless and also saves the Township a significant amount of money going forward.

Councilwoman Steward asked if this is just continuing the relationship that they provided for the last year.

President Keyes-Maloney replied it does, and said that in the past, Brown & Brown, was our provider generally and coordinated this move to the State Health Benefits Program. President Keyes-Maloney then explained that the Township would be in violation of HIPAA if the Township did not have a third party provider who looked at the information that was coming in from the retirees.

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

4. A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ENTER INTO A COOPERATIVE PRICING AGREEMENT

President Keyes-Maloney stated that this is a cooperative agreement which allows for joint purchasing with the Township of Cranford as the authorizing entity. The Township will see potential saving because of the bundling of purchasing.

Councilman Baxter asked about Number 15. It says that the fee is zero, but if Cranford finds that this is not enough, they can increase the fee. What would cause this fee to increase.

The Attorney responded that it is for unusual administrative fees that Cranford would have to incur in order to conduct the procurement.

President Keyes-Maloney gave an example of an increase in the price of paper due to a shortage because of a limited access to paper mills.

Councilwoman Steward first asked if we are joining a cooperative that already exists.

President Keyes-Maloney replied that is correct.

Councilwoman Steward then asked what are we going to purchase with this cooperative.

The CFO replied that right now, police vehicles. The State Contract has not updated for 2015 for the type of police vehicles that we are looking to purchase. This cooperative has these vehicles.

Vice President Schroth asked if this is something that Cranford has traditionally spearheaded; how is it that they are in charge of this.

The Attorney replied that she did not know the history of Cranford's involvement with the cooperative but it is a trend to consolidate buying power.

President Keyes-Maloney added that this may also constitute a shared service for the purposes of Local Government Services. Most importantly, it allows significant buying power because you are attempting to buy in bulk. In terms of the relationship right now, it is for Police vehicles. The Township may look elsewhere, other cooperatives or State Contract, depending on what is being purchased.

Vice President Schroth then said that if this is part of shared services, then the Township will receive other benefits from the State.

President Keyes-Maloney replied – potentially, yes.

There were no additional questions or comments from Council.

Ron Prykanowski (16 Thurston Avenue) stated that Cranford is one of many; there is a \$1,000 annual fee to join this cooperative. Somerset and Mercer Counties also have cooperatives and neither one has fees.

President Keyes-Maloney responded that the Township will explore wherever it is appropriate.

There were no additional questions or comments from the Public.

5. A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO REDUCE THE PERFORMANCE BOND ESTIMATE OF 1101 PARKWAY AVENUE, LLC SITE PLAN (BLOCK 357, LOT 19) – EWING ENGINEER REMINGTON, VERNICK & ARANGO ENGINEERS RV&A #1102 I 055

President Keyes-Maloney stated that this is not uncommon; when substantial compliance has been performed, it allows for the release of a portion of that bond.

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

6. A RESOLUTION APPROVING KEEGAN J. SLATE AS A SENIOR FIREFIGHTER MEMBER OF THE PROSPECT HEIGHTS VOLUNTEER FIRE COMPANY

President Keyes-Maloney said that we do not typically see this; we are happy to provide some formality to Mr. Slate for all that he has done for the Township and more importantly for Prospect Heights.

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

All items were approved for action.

BILLS LIST

1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$6,264,010.46 and to Pay Supplemental Bills per Resolution #15R-27 in the Amount of \$4,266.45

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

CONSENT AGENDA

Council President Keyes-Maloney presented the Consent Agenda for review.

1. **Approval of Minutes of the Meetings of March 25, 2014 (Agenda), and March 25, 2014 (Regular)**
2. **A Resolution Authorizing the Conduct of a Bingo Sponsored by West Trenton Vol Fire Co.**
3. **A Resolution Authorizing the Conduct of an Off-Premise 50/50 Cash Raffle Sponsored by West Trenton Vol Fire Co.**
4. **A Resolution Authorizing the Conduct of an On Premise 50/50 Cash Raffle Sponsored by Meals on Wheels of Trenton/Ewing Inc.**
5. **A Resolution Authorizing the Conduct of an On Premise 50/50 Cash Raffle Sponsored by VFW Post 7298 Ladies Auxiliary**
6. **A Resolution Authorizing the Conduct of a Tricky Tray Sponsored by West Trenton Vol Fire Co.**
7. **A Resolution Authorizing a Refund, as Recommended by the Township Construction Official, for Overpayment, in the Amount of \$52.00 to Daniel Bernoski, 134 Palmer Lane, Ewing, NJ 08628 for Permit at 28 Farrell Ave., Ewing, NJ 08628.**
8. **A Resolution Authorizing a Refund, as Recommended by the Township Construction Official, for Overpayment, in the Amount of \$86.00 to Suzanne Heath, 17 Glen Stewart Dr., Ewing, NJ 08628 for Permit #20150139 at 17 Glen Stewart Dr., Ewing, NJ 08628.**
9. **A Resolution Authorizing a Refund, as Recommended by the Township Construction Official, for Overpayment, in the Amount of \$25.00 to Anntarie Sims, 1275 Lower Ferry Rd., Ewing, NJ 08628 for Permit #20141131 at 1275 Lower Ferry Rd., Ewing, NJ 08628.**

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

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

(None for this Meeting)

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

President Keyes-Maloney explained that there were supposed to be several items for Second Reading; however, due to an issue with publication in the newspaper we are not able to hear Items One, Two and Three this evening. All three items will be heard at our next meeting. The fourth item can be heard this evening.

- **1. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, ADDING ADDITIONAL BUS STOPS ALONG MUNICIPAL ROADWAYS PURSUANT TO N.J.S.A. 39:4-8(e)**
- **2. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 225, VEHICLES AND TRAFFIC, ARTICLE II: PARKING, ADDING NEW SECTION 10.4 FIRE LANES**

****3. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 97, ANIMALS, ARTICLE I: DOGS, ADDING NEW SECTION 7, FAILURE TO PROVIDE NECESSARY CARE IN INSTANCES OF EXTREME COLD OR HEAT**

**** Due to the fact that the newspaper failed to print items #1, #2, #3 on time (seven days prior to the public hearing), these Ordinances will be held until the meeting of April 14th at which time a 2nd reading, public hearing and final adoption will take place.**

4. AN ORDINANCE AMENDING THE EWING TOWNSHIP SALARY ORDINANCE ESTABLISHING COMPENSATION OF OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF EWING

President Keyes-Maloney announced that the Public will have two opportunities to be heard on this issue and then cautioned that if members of the Public wanted their comments to be on the official record, to stay until the Regular Session.

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

HEARING ON PERSON-TO-PERSON TRANSFER OF LIQUOR LICENSE #1102-32-014-006

The Attorney advised the Council President that this item can be handled either during the Agenda Session or at the Regular Session. The Attorney added that the applicant has requested a hearing; he and his attorney are present.

Council President Keyes-Maloney stated that we will hear the matter now and explained to the Public that this is Council sitting as the ABC Board.

The Attorney briefly described the situation regarding this application for a person-to-person transfer of liquor license.

Bruce Sattin (Applicant's Attorney) explained the history of this application and then stated his client's position regarding it.

President Keyes-Maloney said that all requested information has not been provided, including with the most recent amended application submission of two weeks ago. President Keyes-Maloney then explained what State law requires the Board to investigate – all funds used to purchase the business (i.e. liquor license) and the license premise. The purchase price of the premise has to be included; the Board cannot just investigate the funds used to purchase the liquor license. The Board also has to investigate all sources of income for the individual. To date, that information is outstanding; we cannot proceed with the application.

Mr. Sattin said that his goal tonight is to try to put this application back on track and then heard and approved at a later date. Mr. Sattin requested that the Board hold off on making this decision to allow his client the opportunity to provide all the requested information.

President Keyes-Maloney said that a materially significant item that is missing concerns the financial information. It has still not been provided even after repeated attempts by our Officer to get this information.

The Attorney replied that the Board has two options – the Board can carry as requested or reject. The Attorney added that the Board has not received enough information to approve this Application tonight.

Mr. Sattin said that we were not requesting the Board to accept or reject this application this evening, but rather to give his client the opportunity to provide the information.

President Keyes-Maloney asked the Attorney if an outright rejection tonight precludes Mr. Patel from applying again in the future.

The Attorney replied that the applicant can appeal to the State ABC Board, apply again or the Board can give the applicant a set amount of time to provide all the necessary documents.

Councilman Baxter mentioned that he just did a Google search and did not find anything regarding Mr. Sattin's statement that it is common practice in India to vary names.

Mr. Sattin responded that all of Mr. Patel's legal documents are in the same name. Mr. Patel (the Applicant) then spoke about the "naming" practice in India.

Councilman Baxter responded that Mr. Patel made his point, we should then have documentation only in the one name, but we have received documentation with several different names.

Mr. Sattin replied that he explained how that occurred as part of the most recently amended application.

Councilman Baxter said that we have a letter from the bank; why have no bank statements been provided.

Mr. Sattin said that those will be provided.

Councilman Baxter stated that any misrepresentation is grounds alone for rejecting an application. Mr. Papp does a diligent job; and in this case, he has gone above and beyond. It seems that as the investigation became more intense, more people dropped off the application. Councilman Baxter then said that the application should be rejected.

Vice President Schroth said that this application seems to be a continuously moving target when it should be anything but a moving target – it should be forthright and clear and to the letter of the law. Mr. Schroth said that he is very concerned with what he has heard here tonight.

President Keyes-Maloney said that it does not matter if a subsidiary has been created for the liquor license, under ABC law, the application and the investigation includes both the liquor license and the premise - to date, that information has not been provided in totality for various reasons. A rejection of this application does not prejudice Mr. Patel from submitting a fresh application with all the required documents. Ms. Keyes-Maloney explained that recently, we have had a number of liquor license transferred successfully.

There were no additional questions or comments from the Board.

[(Resolution #15R-69) was not read for purposes of the Minutes but the following action occurred].

Mr. Schroth then made a motion to reject the application and ask that Mr. Patel reapply, seconded by Mr. Baxter. President Keyes-Maloney asked for a roll call.

ROLL CALL

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

COMMISSION & COMMITTEE REPORTS FROM MEMBERS OF COUNCIL

President Keyes-Maloney reported on the February Planning Board Meeting as the March meeting was cancelled due to the weather. There was a courtesy review of the rehab of the Brower Student Center and the new Science Complex.

Vice President Schroth said that the February Drug & Alcohol Alliance meeting was cancelled and due to a previous obligation, he was unable to attend the March meeting. Mr. Schroth stated that he had reached out to Mr. Long but as yet had not heard back from him.

Councilwoman Steward said that the next Green Team meeting is tomorrow. Ms. Steward then mentioned several upcoming events – the Living Well Expo, the clean-up of the community gardens and the first shred day of the year.

Councilman Baxter first mentioned that at the last meeting, Council honored the inductees to this year's Recreation Honor Roll and then reported on the last Recreation Advisory Board meeting. There will be a soccer camp during the summer, Mr. Forst is taking field use requests, the tentative date for the Little League opener is April 18th and the basketball All-Star game for each division is being held this Saturday. Mr. Baxter said that the Board discussed the Moody Park website and ways to inform Ewing residents about the various activities going on in the Township. Mr. Baxter said that there is an opening on the Board as a member had to resign due to a conflict with School Board meetings. Councilman Baxter added that the Ewing High guys won the Group Three Sectional but lost at the State.

There were no additional Commission and Committee Reports from members of Council.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Ron Prykanowski (16 Thurston Ave.) said that back in 1995 we changed government. Mr. Prykanowski then stated that he went through The Township's Code and said that it is horribly out of date and does not comply with a number of items in the statute itself. Mr. Prykanowski then gave a number of examples. One, Council cannot be the ABC Board; it has to be an independent citizens' Board. Two, the appointments for Administrator and Attorney must be for four years, not one year. Third, the Mayor cannot also be the Public Safety Director. Mr. Prykanowski said that in the past twenty years, a lot of things have changed and Council should appoint an ad hoc committee to review. Mr. Prykanowski then gave a few other examples. It calls for a Local Ethics Board and the Township does not have one. Council should not sit as the Board of Health as no one on Council are subject experts. Rather, it should be an autonomous Board, with Council controlling the purse. The Code still mentions a Local Assistance Board but the Township is no longer involved with welfare.

President Keyes-Maloney asked Mr. Prykanowski to provide Council with this information. Mr. Prykanowski then mentioned the salary ordinance, and said that that the increase cannot be spread over three years, it can only be done over one year because it is budget dependent. Mr. Prykanowski also said that this is the only community that he knows of that passes a salary ordinance before the budget. Mr. Prykanowski suggested that Council pass the budget first and then any salary ordinances.

Thomas Tighue (10 Boleyn Court) said that he is here to speak on the salary ordinance. President Keyes-Maloney mentioned to Mr. Tighue that if he wanted, he could speak on that during the Public Hearing.

Mr. Tighue asked for a copy of the Ordinance saying that it was not available on the website.

The Clerk responded that the advertisement of the Ordinance stated that it is available at no cost in the Clerk's Office.

Mr. Tighue suggested that copies of Ordinances be provided at Council meetings.

George Steward (30 Gilmore Road) said that he will speak about the salary increase for Mayor and Council during the Public Hearing.

Joe Murphy (9 Malaga Drive) also said that he will speak at the Public Hearing.

Barbara Mennel (30 Hilltop Road) spoke in favor of the animal cruelty ordinance. And said that she had wished it would have been able to come before Council this evening as the weather is still cold. Ms. Mennel also thanked Council for their quick response to her concerns. Ms. Mennel said that she hopes that everyone will be more proactive in looking out for creatures that cannot look after themselves.

President Keyes-Maloney said that it was a deep sadness that we are not able to act on it this evening and then explained the rules concerning OPMA (Open Public Meeting Act). Ms. Keyes-Maloney then said that we have spoken with the newspaper concerning this issue.

Mark Fetter (327 Concord Avenue) said that across from Brenna Funeral Home there were five beautiful buttonwood trees that were cut down. Mr. Fetter asked if anyone in the Township thought to say to the developers that these trees should have been saved instead of cut down.

President Keyes-Maloney said that she knows that the Environmental Commission does weigh in on applications before the Zoning and Planning Boards.

Mr. Fetter then said that he drove through Freehold and saw signs to "Preserve for Open Space". Mr. Fetter said that he does not see Open Space in Ewing.

Mr. Fetter then mentioned internet transactions. Many towns are making a place where someone can go to make transactions in a safe place. Mr. Fetter asked if that could be done in Ewing.

Bruce Martin (28 Forest Lane) asked why a referendum has not been proposed regarding the salary increase. Mr. Martin said that it seems almost like pension padding. President Keyes-Maloney replied that under the Faulkner Act, Council is required to pass salary ordinances and then asked Mr. Martin to stay for the Public Hearing on this issue.

There were no additional questions or comments from the Public.

CLOSED SESSION

(None for this Meeting)

ADJOURNMENT

There being no further business, President Keyes-Maloney asked for a motion to adjourn. Mr. Schroth so moved seconded by Mr. Baxter. The meeting was adjourned at 7:47 p.m.

David P. Schroth, President

Kim Macellaro, Municipal Clerk