

## April 14, 2015 – REGULAR SESSION

President Keyes-Maloney called the meeting to order at 10:14 p.m. and read the Open Public Meetings Statement:

Almighty God who holds the fate of Man and Nation, we most humbly beseech thee to bless these deliberations, and these thy servants, that they may act with wisdom and understanding for the good of our community and thy greater glory. Amen.

Flag Salute

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

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

The Clerk announced, for purposes of allowing the attorneys for the applicant to go home, that the first item will be the Resolution granting a waiver for a liquor license.

The Clerk read (Resolution #15R-79) A RESOLUTION GRANTING A WAIVER UNDER SECTION 91-7(A) OF THE CODE OF THE TOWNSHIP OF EWING TO ALLOW THE TRANSFER OF PLENARY RETAIL CONSUMPTION LIQUOR LIENSE #1102-33-013-006 FROM PETROS & SONS, SITED AT 1099 PARKWAY AVENUE TO TWO PETER’S INC., SITED AT 1769 NORTH OLDEN AVENUE

Stuart Lieberman (Applicant’s Attorney) explained his client’s position on this waiver request.

President Keyes-Maloney explained that this Resolution only deals with the waiver and not the transfer.

The Attorney added that there is a time constraint because this particular license is inactive. It had been granted a number of extensions. The State has indicated that unless it is active by June 30<sup>th</sup>, 2015, the license will lapse.

Councilman Baxter asked what are the hours of operation.

Mr. Lieberman replied that hours of operation have not been established yet.

President Keyes-Maloney replied that based on a conversation with the owner, the plan is to hold more traditional restaurant hours.

The Attorney added that as an ABC licensed premise in the Township, the establishment would have to be closed by 2:00 a.m.

Councilman Baxter then asked about the daycare facility located nearby.

The Administrator replied that all the tenants will be relocating as that entire shopping complex will be redeveloped into a Walgreens. The Administrator said that he does not know the exact date when this will happen.

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

Mr. Schroth then moved the Resolution, seconded by Ms. Steward. President Keyes-Maloney asked for a roll call.

#### ROLL CALL

Ms. Steward	YES	
Mr. Schroth	YES	
Mr. Baxter		NO
President Keyes-Maloney	YES	

The Clerk then stated that the next item is Statements and Comments from Members of the Public for Items Not on the Agenda.

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

George Steward (30 Gilmore Road) said that he is here tonight to ask Council to do their due diligence with the Budget that is now before Council. Mr. Steward cited an April 7<sup>th</sup>, 2015 NJ.com press release.

The Administrator and the Council President both said that there was no press release; the Administrator added that there was no statement, the reporter just wrote the article from what the Mayor said at a public meeting.

Mr. Steward said that the article stated that Mayor Steinmann attributed the increase in the budget to rising healthcare costs, snow removal costs, costs associated with the hiring of new police recruits and the switch to 24/7 EMS service. Mr. Steward stated that he looked at the Budget for these four items and did not see an increase. Mr. Steward and Council then looked at a paper copy of the introduced budget. Mr. Steward said that you cannot attribute a tax increase to items that have not actually increased.

The Attorney cautioned Council not to discuss this as there will be a Public Hearing on the Budget that shall not be held sooner than twenty-eight days.

Mr. Steward then discussed in detail each of these four items, pointing out why he believed that the increase in taxes is not due to these four items; but rather to other factors. Mr. Steward then asked Council to scrutinize the Budget as presented by the Administration on the Public's behalf. Mr. Steward pointed out that there has never seen a case of line items being changed because of the department head presentations. Mr. Steward then pointed out that taxes are not going up in Lawrence, Hamilton or Robbinsville. Mr. Steward concluded that he will come before Council again with more information of this nature.

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

#### BILLS LIST

1. The Clerk read (Resolution #15R-80) A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$1,036,437.80 and to Pay Supplemental Bills per Resolution #15R-27 in the Amount of \$158,820.02

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

#### ROLL CALL

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

the exception of item 646539095 NJ Chamber of Commerce in the amount of \$45.00)

**H. CONSENT AGENDA**

The Clerk read the Consent Agenda: (Resolution #15R-81/)

*All items listed under Item H, 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.*

1. Approval of Minutes of the Meetings of April 1, 2014 (Special), April 8, 2014 (Agenda & Regular) and April 22, 2014 (Agenda & Regular)
2. A Resolution Authorizing the Patriotic Committee to Hold Its Annual Fourth of July Parade
3. A Resolution Authorizing the New Jersey State Police Memorial Association to Hold Its Annual Chase (5KRUN)

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

**ROLL CALL**

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

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

1. The Clerk read (Ordinance #15-10) 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)

There were no questions or comments from Council or the Public. President Keyes-Maloney called for a motion to move the Ordinance as amended, to exclude the language related to Parkside Avenue and notification to the County. Mr. Baxter then moved the Ordinance as amended, seconded by Ms. Steward. President Keyes-Maloney asked for a roll call.

**ROLL CALL**

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

2. The Clerk read (Ordinance #15-11) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 325, STREETS AND SIDEWALKS, ARTICLE I: SNOW AND ICE REMOVAL, TO ALLOW ENFORCEMENT BY THE DIVISION OF CODE ENFORCEMENT AND BUILDING INSPECTIONS

There were no questions or comments from Council or the Public. President Keyes-Maloney called for a motion to move the Ordinance as amended, to exclude the language related to cinder, crushed stones and the dirt path. Mr. Schroth then moved the Ordinance as amended, seconded by Mr. Baxter. President Keyes-Maloney called for a roll call.

**ROLL CALL**

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

3. The Clerk read (**Ordinance #15-12**) 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, TO PROHIBIT THE PARKING OF VEHICLES IN EXCESS OF FOUR TONS AT CERTAIN LOCATIONS

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

**ROLL CALL**

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

4. The Clerk read (**Ordinance #15-13**) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER TO AMEND CHAPTER 172 FEES

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

**ROLL CALL**

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

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

1. The Clerk read (**Ordinance #15-06**) 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)

BE IT ORDAINED by the Township Council of the Township of Ewing that **Chapter 225, VEHICLES AND TRAFFIC, § 225-64. Schedule XVII: Bus Stops** of the Code of the Township of Ewing is hereby amended as follows:

**Section 1:** Chapter 225, VEHICLES AND TRAFFIC, § 225-64. Schedule XVII: Bus Stops of the Code of the Township of Ewing is hereby amended that, pursuant to N.J.S.A. 39:4-8(e), the following described locations are designated as bus stops:

**§ 225-64. Schedule XVII: Bus Stops**

**Along Municipal Roadways**

1. Along Parkside Avenue (County Road 636), southbound, on the westerly side thereof at:
  - A. Buttonwood Drive – (Far Side)  
Beginning at the southerly curb line of Buttonwood Drive and extending 100 feet southerly therefrom.

BE IT FURTHER RESOLVED that the Mayor and Council of the Township of Ewing will

enforce the needed traffic regulations governing the aforementioned bus stop locations and provide the necessary police security to ensure the safety of the traveling public.

Section 2. The Municipal Clerk is hereby instructed to forward a certified adopted copy of this Ordinance to NJ TRANSIT, One Penn Plaza East, Newark, New Jersey 07105-2246; Attn: Joe De Mauro and also to the Mercer County Board of Chosen Freeholders for a concurring Ordinance since Parkside Avenue is a County Roadway.

Section 3. This Ordinance shall take effect upon approval of the Commissioner of Transportation as provided by law.

### **STATEMENT**

This Ordinance amends the Revised General Municipal Ordinances of the Township of Ewing to add additional bus stops along municipal roadways pursuant to N.J.S.A. 39:4-8(e).

**There were no questions or comments from Council. Mr. Baxter made a motion to open the Public Hearing, seconded by Ms. Steward. It was agreed by unanimous voice vote. There were no questions or comments from the Public. Mr. Baxter made a motion to close the Public Hearing, seconded by Ms. Steward. It was agreed by unanimous voice vote. Ms. Steward then moved the Ordinance, seconded by Mr. Baxter. President Keyes-Maloney asked for a roll call.**

### **ROLL CALL**

<b>Mr. Baxter</b>	<b>YES</b>
<b>Ms. Steward</b>	<b>YES</b>
<b>Mr. Schroth</b>	<b>YES</b>
<b>President Keyes-Maloney</b>	<b>YES</b>

- 2. The Clerk read (Ordinance #15-07) 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**

**WHEREAS**, the Township of Ewing’s (“Township”) parking ordinances do not codify prohibitions on parking, standing and stopping vehicles within areas designated as fire lanes; and

**WHEREAS**, the Township contains areas marked and designated as fire lanes, where parking, standing and stopping of vehicles is prohibited; and

**WHEREAS**, to increase enforcement of fire lane parking prohibitions, the Township is desirous of codifying such prohibitions by ordinance pursuant to its authority to implement traffic and parking regulations.

**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 225, VEHICLES AND TRAFFIC, ARTICLE II: PARKING, is hereby amended by adding new Section 10.4, FIRE LANES.

### **Article II: Parking**

#### **§ 225.10.4 Fire lanes.**

- A. No person shall park or stop a motor vehicle in or in any other manner obstruct a properly designated fire lane. The Township Police Department as well as parking enforcement officers shall have the authority to cause said vehicle found in violation to be towed and stored at the expense of the vehicle’s owner.
- B. Fire lane regulations shall be concurrently enforced by the Township Police Department, parking enforcement officers, and the Township Fire Official and Fire Inspectors. Violation of the fire lane regulations shall be considered a violation of the Township parking ordinances, as well as violations of the Uniform Fire Code, N.J.A.C. 5:70-3.1 et seq.

- C. Enforcement by the Township Police Department or parking enforcement officers shall be handled as a Township ordinance violation or as a Uniform Fire Code violation. Enforcement by the Township Fire Official and Fire Inspectors shall be pursuant to N.J.S.A. 52:27D-210 which provides for penalties under the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 et seq., for violations of the Uniform Fire Code.

Section 2 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 3 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 4 Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

**President Keyes-Maloney explained that this will be held open to allow for code Enforcement to include additional fire lanes.**

**There were no questions or comments from Council. Mr. Schroth made a motion to open the Public Hearing, seconded by Mr. Baxter. It was agreed by unanimous voice vote. There were no questions or comments from the Public. Ms. Steward made a motion to close the Public Hearing, seconded by Mr. Schroth. It was agreed by unanimous voice vote. Mr. Schroth made a motion to continue the Public Hearing, seconded by Ms. Steward. President Keyes-Maloney asked for a roll call.**

**ROLL CALL**

<b>Ms. Steward</b>	<b>YES</b>
<b>Mr. Schroth</b>	<b>YES</b>
<b>Mr. Baxter</b>	<b>YES</b>
<b>President Keyes-Maloney</b>	<b>YES</b>

- 3. The Clerk read (Ordinance #15-08) 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**

**WHEREAS**, the prevention of animal cruelty is an ongoing priority of the Township of Ewing (“Township”); and

**WHEREAS**, in addition to the State’s animal cruelty laws, the Township desires to specifically address and remedy circumstances where an animal is left in extreme cold or heat without necessary care; and

**WHEREAS**, by specifically addressing such circumstances and prescribing enforcement mechanisms, the Township believes it can better prevent animal cruelty.

**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 97, ANIMALS, ARTICLE I: DOGS, is hereby amended by adding new section 7, FAILURE TO PROVIDE NECESSARY CARE IN INSTANCES OF EXTREME COLD OR HEAT

**Article I: Dogs**

**§ 97-5.1 Failure to provide necessary care in instances of extreme cold or heat.**

- A. A person owning, harboring, keeping or in charge of any dog shall provide the animal access to adequate protection from extreme cold or heat that poses a threat to the animal’s health or wellbeing. Whether an animal is provided adequate protection from extreme cold or heat shall be based on, among other things, the dog’s size, breed, age and

condition as determined by the Township Animal Control Officer. This provision shall be enforceable by the Township Police Department or the Township Animal Control Officer. Citizens aware of violations of this section shall notify the Township Health Officer.

- B. Failure to provide a dog necessary care in instances of extreme cold or heat shall be deemed an act of animal cruelty. Violators shall be subject to the penalties set forth in Chapter 1, General Provisions, Article III, General Penalty, for each offense or as otherwise provided in N.J.S.A. 4:22-26.

Section 2 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 3 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 4 Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

Adopted:

**There were no questions or comments from Council. Mr. Baxter made a motion to open the Public Hearing, seconded by Ms. Steward. It was agreed by unanimous voice vote. There were no questions or comments from the Public. Mr. Baxter made a motion to close the Public Hearing, seconded by Ms. Steward. It was agreed by unanimous voice vote. Mr. Schroth then moved the Ordinance, seconded by Mr. Baxter. President Keyes-Maloney asked for a roll call.**

**ROLL CALL**

<b>Mr. Baxter</b>	<b>YES</b>
<b>Mr. Schroth</b>	<b>YES</b>
<b>Ms. Steward</b>	<b>YES</b>
<b>President Keyes-Maloney</b>	<b>YES</b>

**NEW BUSINESS**

1. **The Clerk read (Resolution #15R-82) A RESOLUTION EXTENDING THE LEASE OF TOWNSHIP OWNED LAND FOR AN ADDITIONAL TWENTY YEARS TO MERCER COUNTY AND THE MERCER COUNTY IMPROVEMENT AUTHORITY**

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

**ROLL CALL**

<b>Mr. Schroth</b>	<b>YES</b>
<b>Ms. Steward</b>	<b>YES</b>
<b>Mr. Baxter</b>	<b>YES</b>
<b>President Keyes-Maloney</b>	<b>YES</b>

2. **The Clerk read (Resolution #15R-83) A RESOLUTION IN SUPPORT OF A NEW SPEED LIMIT ON BEAR TAVERN ROAD (CR 579) BETWEEN WINDY BUSH ROAD AND NORTH MADDOCK ROAD**

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

**ROLL CALL**

<b>Ms. Steward</b>	<b>YES</b>
<b>Mr. Schroth</b>	<b>YES</b>
<b>Mr. Baxter</b>	<b>YES</b>
<b>President Keyes-Maloney</b>	<b>YES</b>

3. The Clerk read (Resolution #15R-84) A RESOLUTION URGING THE LEGISLATURE TO PASS S1279 TO PROVIDE IMMEDIATE RELIEF TO THE LEAD HAZARD CONTROL ASSISTANCE FUND FOR COMPLETE RESTORATION OF THE FUND

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

ROLL CALL

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

4. The Clerk read (Resolution #15R-85) A RESOLUTION SUPPORTING ASSEMBLY BILL NO. A-4325, "TRANSPARENT TAX ACT OF 2015", WHICH WOULD ALLOW THE TOWNSHIP TO PRINT TWO SEPARATE TAX BILLS

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

ROLL CALL

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

5. The Clerk read (Resolution #15R-86) A RESOLUTION ACCEPTING APRIL 2015 AS CHILD ABUSE PREVENTION AND AWARENESS MONTH

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

ROLL CALL

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

6. The Clerk read (Resolution #15R-87) RESOLUTION AFFIRMING APRIL 22 AS EARTH DAY IN EWING TOWNSHIP AND ENCOURAGING SUSTAINABLE EFFORTS

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

ROLL CALL

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

7. The Clerk read (Resolution #15R-88) A RESOLUTION AWARDED CONTRACT FOR PHYSICIAN SERVICES TO ROBERT WOOD JOHNSON UNIVERSITY HOSPITAL-HAMILTON

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



**ROLL CALL**

<b>Mr. Schroth</b>	<b>YES</b>
<b>Ms. Steward</b>	<b>YES</b>
<b>Mr. Baxter</b>	<b>YES</b>
<b>President Keyes-Maloney</b>	<b>YES</b>

**CLOSED SESSION**

**(None for this Meeting)**

**ADJOURNMENT**

**There being no further business President Keyes-Maloney called for a motion to adjourn. Mr. Baxter so moved seconded by Mr. Schroth. The meeting was adjourned at 10:48 p.m.**

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**David P. Schroth, President**

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**Kim Macellaro, Municipal Clerk**