

## September 22, 2015 – REGULAR SESSION

President Keyes-Maloney called the meeting to order at 7:00 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 14th day of August, 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 – Excused              | Jim McManimon, Administrator |
| ▪ Mr. Schroth – Present             | Joanna Mustafa, CFO          |
| ▪ Ms. Steward – Present             | Maeve Cannon, Attorney       |
| ▪ Ms. Wollert – Excused             | Kim Macellaro, Clerk         |
| ▪ President Keyes-Maloney – Present |                              |

The Clerk stated for the record that Mr. Baxter and Ms. Wollert have excused absences for this evening.

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

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

### BILLS LIST

1. The Clerk read (Resolution #15R-177) A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$5,521,844.00 and to Pay Supplemental Bills per Resolution #15R-27 in the Amount of \$11,666.70

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 |
| President Keyes-Maloney | YES |

*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 #15R-178/)

1. Approval of Agenda Session Minutes for June 24, 2014 and July 8, 2014 and Regular Session Minutes for June 24, 2014 and July 8, 2014.
2. A Resolution Authorizing the Conduct of an Instant Raffle Sponsored by BPOE #105 Trenton
3. A Resolution Authorizing a Refund, as Recommended by the Township Construction Official, for Overpayment in the Amount of \$118.00 to Fred Wilson, 213 Hazelhurst Ave., Ewing, NJ 08638 for a Permit at 213 Hazelhurst Ave., Ewing, NJ 08638. The Applicant Accidentally Pulled a Permit and Paid for it Not Knowing the Contractor also Took Out a Permit for the Same Job at the Same Location

President Keyes-Maloney stated that the Consent Agenda has to be moved as one block. If discussion is required, that item will have to be removed from the Consent Agenda. 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
President Keyes-Maloney	YES

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

1. The Clerk read (Ordinance #15-34) AN ORDINANCE OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, AMENDING THE REVISED ORDINANCES OF THE TOWNSHIP OF EWING, AMENDING SECTION 225-52, ENTITLED "SCHEDULE V: HANDICAPPED PARKING ON STREETS," TO ADD A HANDICAPPED PARKING SIGN AT 44 DAWES AVENUE

The Council President explained that this adds a handicapped parking sign in front of this residence. The resident is disabled and needs to have wheelchair access via a van.

Vice President Schroth asked about the process involved in this type of request. President Keyes-Maloney explained that there is a Police investigation and recommendation. In this particular case, the driveway is limited and the ability to access the wheelchair lift is impeded without being able to park out in front of the house.

There were no additional questions or comments from Council. There were no questions or comments from 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
President Keyes-Maloney	YES

2. The Clerk read (**Ordinance #15-35**) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 240, NOISE, SECTION 8, RESTRICTED USES AND ACTIVITIES, TO ALLOW FOR WAIVER OF TOWNSHIP NOISE RESTRICTIONS FOR INFRASTRUCTURE AND ROAD-REPAIR PROJECTS THAT MUST BE CONDUCTED AT NIGHT FOR SAFETY CONCERNS

President Keyes-Maloney explained that this allows for a limited exception in light of public safety for road repair. Any exception would need to come before Council for approval.

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

**ROLL CALL**

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

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

1. The Clerk read (**Ordinance #15-32**) AN ORDINANCE ADOPTING THE 1573 PARKSIDE AVENUE REDEVELOPMENT PLAN

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7, by resolution dated June 23, 2015, the Township directed the Planning Board to provide notice and conduct a public hearing regarding the creation of a Plan for 1573 Parkside Avenue; and

**WHEREAS**, on July 2, 2015, the Planning Board conducted a public hearing on the proposed Plan and, pursuant to N.J.S.A. 40A:12A-7(e), prepared and transmitted to the Township a Plan dated July 2, 2015 (the "Plan"); and

**WHEREAS**, the Planning Board found the proposed amendment to be consistent with the Township's Master Plan and unanimously recommended its passage; and

**WHEREAS**, the Township has reviewed the Planning Board's Plan and desires to adopt the Plan.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Ewing, in the County of Mercer, State of New Jersey as follows:

Section 1. Chapter 215, LAND DEVELOPMENT, section 129, 1573 PARKSIDE AVENUE REDEVELOPMENT PLAN, is hereby amended to read as follows:

§ 215-129 1573 Parkside Avenue Redevelopment Plan.

A program for the redevelopment of the Parkside Avenue Area, as specifically defined and as more fully set forth in the 1573 Parkside Avenue Redevelopment Program, Ewing Township, New Jersey, Redevelopment Plan, prepared by L&G Planning and dated July 2, 2015, prescribing criteria and standards for such redevelopment be and the same is hereby adopted by reference without inclusion of the full text herein; and, such plan shall constitute an overlay zoning district within the specifically designated redevelopment area.

Section 2. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Section 3. This ordinance shall take effect upon final passage and publication in accordance with law.

STATEMENT

An Ordinance adopting the 1573 Parkside Avenue Redevelopment Plan.

**The Council President explained that this will allow us to control what happens with this particular parcel. It has been fallow for over fifteen years. It allows us to restrict the housing to something that is needed in the Township – college housing.**

**There were no questions or comments from Council. Mr. Schroth 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. Schroth 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. 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>President Keyes-Maloney</b>	<b>YES</b>

**2. The Clerk read (Ordinance #15-33) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 225-59 SCHEDULE XII: STOP INTERSECTIONS TO ADD STOP SIGNS AT THE LINWOOD AVENUE/LAKE BOULEVARD/CHAUNCEY AVENUE INTERSECTIONS**

**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 225-59 SCHEDULE XII: STOP INTERSECTIONS is hereby amended as follows:

**§ 225-59 SCHEDULE XII: STOP INTERSECTIONS.**

In accordance with the provisions of § [225-13](#), the following streets shall be designated as stop intersections, and stop signs shall be installed as provided herein:

<b>Intersection</b>	<b>Stop Sign On</b>
	Auburn Place
Auburn Place and Chesney Avenue	
Auburn Place and Lisbon Avenue	Auburn Place
Beechwood Avenue and Radnor Avenue	Radnor Avenue
Bernard Drive and Frederick Lane	Frederick Lane
Bernard Drive and Scudder Road	Scudder Road
Berwyn Avenue and Radnor Avenue	Radnor Avenue
Bismark Avenue and Trent Avenue	Trent Avenue
Bittersweet Drive and Autumn Lane	Autumn Lane
Browning Avenue and Crescent Avenue	Crescent Avenue
Bull Run Road and Federal City Road	Bull Run Road
<u>Chauncey Avenue and Linwood Avenue</u>	<u>Linwood Avenue</u>
Cleardale Avenue and Patton Drive	Patton Drive
Concord Avenue and Radnor Avenue	Radnor Avenue
Dover Avenue and Hazel Avenue	Hazel Avenue
Dover Avenue and Robbins Avenue	Robbins Avenue
Duffield Drive and Holder Drive	Holder Drive
Duffield Drive and Willis Drive	Willis Drive

<b>Intersection</b>	<b>Stop Sign On</b>
Exit driveway at Ewing High School [Added 10-9-2001 by Ord. No. 01-26]	Exit driveway at Ewing High School
Fireside Avenue and Dunmore Avenue Glen Stewart Drive and Glen Mawr Drive [Added 2-13-2001 by Ord. No. 01-03]	Fireside Avenue Glen Stewart Drive
Glenmore Avenue and Pennington Road Greenway Avenue and Radnor Avenue Hawthorne Avenue and Browning Avenue Hawthorne Avenue and Dearborn Avenue Hendrickson Avenue and Albemarle Avenue [Added 11-22-2005 by Ord. No. 05-44; amended 2-14-2006 by Ord. No. 06-04]	Glenmore Avenue Radnor Avenue Browning Avenue Dearborn Avenue Albemarle Avenue
Hinckle Avenue and Summit Avenue [Added 2-13-2001 by Ord. No. 01-03]	Hinckle Avenue
Ives Avenue and Hillman Avenue Kelsey Avenue — Hazel Avenue and Homestead Avenue Keswick Avenue and Dearborn Avenue	Hillman Avenue Homestead Avenue Dearborn Avenue
<u>Lake Boulevard and Linwood Avenue</u> Lafayette Avenue and Summit Avenue Langford Lane and Franklyn Road — Clamer Road Latona Avenue and Radnor Avenue Levin Properties (Laneco)	<u>Lake Boulevard</u> Summit Avenue Langford Lane Radnor Avenue All locations numbered 1 and circled in red shown on the plan prepared by Carr Engineering Associates, P.A., revised October 4, 1989
Lochatong Road and Westwood Drive [Added 10-9-2001 by Ord. No. 01-26]	Lochatong Road
Nancy Lane and Alexander Drive Pickford Avenue and Pershing Avenue Pingree Avenue and Berwyn Avenue [Added 2-13-2001 by Ord. No. 01-03]	Alexander Drive Pershing Avenue Pingree Avenue
Pingree Avenue and Berwyn Avenue [Added 5-3-2005 by Ord. No. 05-16]	Pingree Avenue and Berwyn Avenue
Pingree Avenue and Latona Avenue [Added 2-13-2001 by Ord. No. 01-03]	Pingree Avenue
Pingree Avenue and Latona Avenue [Added 5-3-2005 by Ord. No. 05-16]	Pingree Avenue and Latona Avenue
Pingree Avenue and Westmoreland Drive [Added 2-13-2001 by Ord. No. 01-03]	Pingree Avenue
Rhodes Avenue and King Avenue Riverview Drive and Wilburtha Road	Rhodes Avenue Riverview Drive

**Intersection****Stop Sign On**

Roosevelt Avenue and Southard Street Southard Street

Roosevelt Avenue and Trent Street Trent Street

Rosedale Avenue and Greenville Avenue

[Added 11-22-2005 by Ord. No. 05-44; repealed 2-14-2006 by Ord. No. 06-04]

Rosedale Avenue and Hendrickson Avenue

[Added 11-22-2005 by Ord. No. 05-44; repealed 2-14-2006 by Ord. No. 06-04]

Sherbrook Road and Kilmer Drive Kilmer Drive

South driveway of Ground Round Restaurant and Route 31 South driveway of Ground Round Restaurant

Star Drive and Westwood Drive Star Drive

[Added 10-9-2001 by Ord. No. 01-26]

Stuart Avenue and Clement Avenue

Stuart Avenue

Summit Avenue and Walker Avenue

Summit Avenue

Summit Avenue and Washington Avenue

Washington Avenue

[Amended 2-13-2001 by Ord. No. 01-03]

Sutherland Avenue and Pingree Avenue

Pingree Avenue

Terrace Boulevard and Stratford Avenue

Stratford Avenue

Trenton Avenue and Hinckle Avenue

Trenton Avenue

[Amended 2-13-2001 by Ord. No. 01-03]

Trenton Avenue and Howell Avenue

Howell Avenue

Trenton Avenue and Walker Avenue

Walker Avenue

Walker Avenue and Central Avenue

Walker Avenue

[Amended 2-13-2001 by Ord. No. 01-03]

Washington Avenue and Central Avenue

Central Avenue

Weber Avenue and Robbins Avenue

Robbins Avenue

White Oak Way and Glen Mawr Drive

White Oak Way

[Added 2-13-2001 by Ord. No. 01-03]

Whitebeach Drive and Glen Mawr Drive

Whitebeach Drive

[Added 2-13-2001 by Ord. No. 01-03]

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.

**President Keyes-Maloney said that included in Council's packet is information from the Township Engineer authorizing the inclusion of these stop signs.**

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

**NEW BUSINESS**

1. The Clerk read (**Resolution #15R-179**) A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

The Council President said that this is for two grants that we had received in the past; one related to Sprint police equipment and the other to bullet proof vests.

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
President Keyes-Maloney	YES

2. The Clerk read (**Resolution #15R-180**) A RESOLUTION AUTHORIZING THE PURCHASE OF NINE (9) EMERGENCY EQUIPPED FORD EXPEDITION XL SSV 4 X4'S FOR USE IN VARIOUS DEPARTMENTS OF THE TOWNSHIP OF EWING FROM BEYER FORD LLC THROUGH STATE CONTRACTS T2776 AND T0106

The CFO said that these vehicles are being used by Code Enforcement, the Fire Captain, the EMS Chief and the Business Administrator. This Resolution is authorizing the method of purchase through State contract; not the actual purchase of these items.

There were no question or comments from Council.

Judith Peoples (295 West Upper Ferry Road) asked if these nine emergency equipped vehicles will be used by those departments that require this emergency equipment.

The CFO responded – correct and then described what this emergency equipment is in response to Ms. Peoples' follow-up question.

Ms. Peoples then asked if these are replacing vehicles that had been so equipped.

The CFO responded – yes.

Ms. Peoples then asked to see the specifications.

The CFO explained to Ms. Peoples how to look up the State contract and then said that the State has already gone through the bidding process for these vehicles.

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

**ROLL CALL**

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

3. The Clerk read (**Resolution #15R-181**) A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF A KARDEX REMSTAR LEKTRIEVER EXTRA WIDE FILING SYSTEM FOR USE BY THE OFFICE OF THE TAX ASSESSOR FOR THE TOWNSHIP OF EWING FROM GARDEN STATE OFFICE SYSTEMS AND EQUIPMENT THROUGH STATE CONTRACT T-0200 (expires 09/30/2015)

The Council President said that this will allow us to save space in the Tax Assessor's Office and allows us to more speedily proceed with the revaluation process.

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

**ROLL CALL**

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

4. The Clerk read (Resolution #15R-182) A RESOLUTION AUTHORIZING AND APPROVING THE PARTICIPATION IN THE LAW ENFORCEMENT SUPPORT OFFICE (LESO) 1033 PROGRAM

The Council President stated that the federal government will be donating rifles to be used by the Police Honor Guard during ceremonial situations.

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

**ROLL CALL**

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

5. The Clerk read (Resolution #15R-183) A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION SITE

President Keyes-Maloney stated that this allows us to dispose of property through an online auction process that the IT Department facilitates.

There were no questions or comments from Council or 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
President Keyes-Maloney	YES

6. The Clerk read (Resolution #15R-184) A RESOLUTION AMENDING RESOLUTION #15R-176 AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF BARAN, INC. t/a SHERWOOD LIQUORS (1102-32-014-006); A PLENARY RETAIL CONSUMPTION LIQUOR LICENSE, TO LIQUOR WAREHOUSE EWING, INC. t/a LIQUOR WAREHOUSE

The Council President said that this amends the prior resolution in light of the fact that the closing associated with this particular property will not occur until the 5<sup>th</sup>. This will make this effective on October 6<sup>th</sup>.

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
President Keyes-Maloney	YES



7. The Clerk read (**Resolution #15R-185**) A RESOLUTION AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF FREDDIE’S TAVERN, INC. t/a FREDDIE’S TAVERN (1102-33-010-004); A PLENARY RETAIL CONSUMPTION LIQUOR LICENSE, TO FREDDIE’S TAVERN AND BANQUET, LLC t/a FREDDIE’S TAVERN

President Keyes-Maloney stated that this a transfer of this liquor license in light of the sale of Freddie’s Tavern.

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

**ROLL CALL**

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

8. The Clerk read (**Resolution #15R-186**) A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO CB&I ENVIRONMENTAL & INFRASTRUCTURE, INC. (“CB&I”) TO SERVE AS THE TOWNSHIP LICENSED SITE REMEDIATION PROFESSIONAL IN ACCORDANCE WITH NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION REQUIREMENTS

President Keyes-Maloney said that this allows us to continue to have a LSRP available for professional services in light of a change in personnel.

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
President Keyes-Maloney	YES

**CLOSED SESSION**

**(None for this Meeting)**

**ADJOURNMENT**

There being no further business President Keyes-Maloney called for a motion to adjourn. Ms. Steward so moved seconded by Mr. Schroth. The meeting was adjourned at 7:18 p.m.

---

David P. Schroth, President

---

Kim J. Macellaro, Municipal Clerk