

## September 8, 2015 – REGULAR SESSION

President Keyes-Maloney called the meeting to order at 7:29 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 – Present              | Jim McManimon, Administrator   |
| ▪ Mr. Schroth – Present             | Maeve Cannon, Attorney         |
| ▪ Ms. Steward – Present             | Kim Macellaro, Municipal Clerk |
| ▪ Ms. Wollert – Present             |                                |
| ▪ President Keyes-Maloney – Present |                                |

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

There were no questions or comments from the Public.

### BILLS LIST

1. The Clerk read (Resolution #15R-162) A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$5,746,529.25 and to Pay Supplemental Bills per Resolution #15R-27 in the Amount of \$309,140.00 and Supplemental Bills per Resolution #15R-27 in the Amount of \$11,210.00

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

### ROLL CALL

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

*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.*

## **CONSENT AGENDA**

The Clerk read the Consent Agenda: (Resolution #15R-163/)

1. **Approval of Agenda Session Minutes for June 10, 2014 and Regular Session Minutes for June 10, 2014**
2. **A Resolution Authorizing a Maintenance Guarantee Release for Two Peters Diner, Block 118.04 Lot 21, 1769 N. Olden Avenue for Project Number RV&A#1102/022; Subject to their Compliance with Specifications Outlined by Ewing Township Engineers Remington, Vernick & Arango**
3. **A Resolution Authorizing the Conduct of an On Premise 50/50 Cash Raffle Sponsored by BPOE #105 Trenton**
4. **A Resolution Authorizing the Conduct of an On Premise 50/50 Cash Raffle Sponsored by Susan G. Komen Breast Cancer Foundation Central and South Jersey Affiliate**
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 an on premise 50/50 cash raffle sponsored by Trenton Cats Rescue.**
7. **A Resolution Authorizing Ewing Township Green Team to Hold a Bike Ride on October 24, 2015**
8. **A Resolution Authorizing West Trenton Presbyterian Church to Hold a Block Party/Road Closing on October 3<sup>rd</sup>, 2015**
9. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the Amount of \$2,107.36 for Aug. 1, 2015 Tax Qtr., to Princeton Assurance Corporation, 2482 Pennington Rd., Suite 2, Pennington, NJ 08534 for Property Owner Dillon, Rensl & Vishnupad, Priya for Block: 582 Lot: 4 also known as 3 Beth Ann Way**
10. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the Amount of \$1,329.30 for Aug. 1, 2015 Tax Qtr., to Title Evolution, LLC, 230 Farnsworth Avenue, Bordentown, NJ 08505 Re: 11295, for Property Owner Metz, Jacqueline R. for Block: 290 Lot: 30 also known as 569 Cleardale Ave.**
11. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the Amount of \$1,600.00 for Aug. 1, 2015 Tax Qtr., to Emerald Title Agency, 365 White Horse Ave., Trenton, NJ 08610 Re: ET-4192 for Property Owner Dzwonkowski, Daniel for Block: 105.07 Lot: 41 also known as 32 Hardwick Dr.**
12. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the Amount of \$1,022.03 for Aug. 1, 2015 Tax Qtr., to Majestic Title Agency, LLC, 472 Route 22 West, Whitehouse Station, NJ 08889 File Number, 4041087 for Property Owner Bentley, Marni for Block: 237 Lot: 8 also known as 30 Main Blvd.**

13. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the Amount of \$1,033.90 for Aug. 1, 2015 Tax Qtr., to Princeton Assurance Corporation, 2482 Pennington Road, Suite 2, Pennington, NJ 08534 NJ15-104440R for Property Owner Henry, Edelinton R. & Erica A. for Block: 56 Lot: 2 also known as 202 Parkway Ave.
14. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the Amount of \$1,503.38 for Aug. 1, 2015 Tax Qtr., to Nassau Abstract LLC, 110 Main Street, PO Box 454, Flemington NJ 08822 File No. NA913 for Property Owner Helstowski, David & Ashley for Block: 139 Lot: 66 also known as 1570 Pennington Rd.
15. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the Amount of \$1,889.57 for Aug. 1, 2015 Tax Qtr., to Roberts, Gregory & Lisa, 110 Aspen Dr., West Windsor NJ 08550 for Property Owner Roberts, Gregory & Lisa for Block: 139 Lot: 63 also known as 1572-74-1/2 Pennington Rd.
16. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the Amount of \$1,316.11 for Aug. 1, 2015 Tax Qtr., to Quality Title & Abstract Agency, 3415 Sunset Ave., Ocean, NJ 07712 for Property Owner Stein, Elizabeth for Block: 234.04 Lot: 12 also known as 7 Pickford Ave.
17. A Resolution Authorizing a Refund and Cancellation, as Recommended by the Tax Collector, a Refund in the Amount of \$1,707.32 and a Cancellation in the Amount of \$6,757.32 for 100% Disabled Veteran Approved from 4-30-15 through 12-31-15 Tax Bill to Bibb, Roszell L., 12 Riverview Dr., Ewing, NJ 08628 for Property Owner Bibb, Roszell L, for Block: 420.01 Lot: 61 also known as 12 Riverview Dr.
18. A Resolution Authorizing a Refund and Cancellation, as Recommended by the Tax Collector, a Refund in the Amount of \$1,834.23 and a Cancellation in the Amount of \$3,674.93 due to: 100% Disabled Veteran Approved from 6-16-15 through 12-31-15, for Tax Bill to Green, Clarence, 155 Somerset St., Ewing, NJ 08638 for Property Owner Green, Clarence for Block: 139.01 Lot: 19, also known as 155 Somerset St.
19. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the Amount of \$1,304.25 for Aug. 1, 2015 Tax Qtr., to Foundation Title, 3840 Quakerbridge Road, Suite 120, Hamilton, NJ 08619 for Property Owner Van Lieu, Jason & Cleary, Rosemary for Block: 481 Lot: 98 also known as 21 Walton Ave.
20. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the Amount of \$1,628.66 for Aug. 1, 2015 Tax Qtr., to A Absolute Escrow Settlement Company, Inc., P.O. Box 767, Millburn, NJ 07041 File No. NRT57116 for Property Owner Wilderman, Julia & Beckett, Joseph for Block: 508 Lot: 15 also known as 1 Wiscasset Ave.

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

**ROLL CALL**

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

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

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

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

**ROLL CALL**

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

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

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

**ROLL CALL**

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

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

1. The Clerk read (**Ordinance #15-27**) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 14, BOARDS, COMMISSIONS AND COMMITTEES, ARTICLE XII: LOCAL ASSISTANCE BOARD

**WHEREAS**, although the Township established a Local Assistance Board pursuant to N.J.S.A. 44:8-114, it is not required to maintain a Local Assistance Board; and

**WHEREAS**, pursuant to N.J.S.A. 44:8-114, the duties of the Local Assistance Board are duplicated by the services of the county welfare agency, namely the Mercer County Division of Community Services; and

**WHEREAS**, because the duties of the Local Assistance Board are currently provided by the Mercer County Division of Community Services, the Township is desirous of eliminating the requirement that the Local Assistance Board perpetually exist, but rather place its establishment in the discretion of the Mayor.

**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 14, BOARDS, COMMISSIONS AND COMMITTEES, ARTICLE XII: LOCAL ASSISTANCE BOARD is hereby amended as follows:

**§ 14-92 CREATION; MEMBERS.**

In accordance with N.J.S.A. 44:8-114 et seq., ~~there is hereby created~~ a Local Assistance Board may be created at the discretion of the Mayor, consisting of five members, all appointed by the Mayor with the advice and consent of the Township Council, and all of whom shall serve without compensation.

#### **§ 14-93 TERMS OF OFFICE.**

One member of the Board shall serve for a term of one year, and such member may be a member of the Township Council. At least one of the five members of the Board shall be a woman. Four members shall serve for terms of four years each for staggered terms, one term expiring in each year. The term of each member of the Board shall begin on the first day of January, and each member shall continue in office until a successor is appointed and qualifies. Vacancies shall be filled for the unexpired terms only.

#### **§ 14-94 OFFICERS; ADDITIONAL PERSONNEL.**

- A. The Board shall organize and select a Chairperson and a Secretary and shall appoint a Director of Welfare, who shall be the first executive and administrative officer of the Board. The Director shall hold office for a term of five years from the date of appointment and shall be paid such salary as may be fixed by the Board, subject to approval by the Mayor.
- B. In case of a vacancy in the Office of Director of Welfare, one temporary or acting director may be appointed to serve for not more than 90 days.
- C. Other employees, including assistants, clerks, investigators and nurses, in such number as may be necessary to properly administer public assistance, shall be appointed by the Mayor, within budgetary limitations and after consultation with the Director of Welfare. No such employee whose compensation is paid from funds received or appropriated for public assistance or for the administration thereof, in any manner, shall hold any office in any political party.

#### **§ 14-95 POWERS AND DUTIES OF DIRECTOR OF WELFARE.**

The Board and the Director of Welfare shall fulfill their functions as set forth in N.J.S.A. 44:8-115 et seq., and the Director of Welfare shall:

- A. Supervise by periodic investigation every person receiving public assistance, such investigation to be made by visitation at least one a month.
- B. Reconsider from month to month the nature of public assistance given and alter, amend or suspend the same when the circumstances so require.
- C. Devise ways and means for bringing persons unable to maintain themselves to self-support or to the support of any other person or agency able and willing to do so.
- D. Keep full and complete records of such investigation, supervision, assistance and rehabilitation and of all certifications of persons for employment or benefits and cancellations thereof, in such manner and form as required by the Commissioner.
- E. Bring about appropriate actions for commitment to any state or county institution where the best interests of the needy persons would be so served.
- F. Report to the Board with respect to matters directly concerning the statutory duties of the Board and of the Director, and report to the Mayor, through the Business Administrator, with respect to administrative and personnel matters. With respect to such administrative and personnel matters, the Director and any other employees in the Division, shall be subject to the Township's Personnel Policy and Procedure Manual as authorized in Chapter 55, Officers and Employees, § 55-3.

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. Schroth made a motion to open the Public Hearing, seconded by Ms. Wollert. 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. Baxter. It was agreed by unanimous voice vote. Mr. Schroth then moved the Ordinance, seconded by Ms. Wollert. President Keyes-Maloney called for a roll call.

**ROLL CALL**

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

**2. The Clerk read (Ordinance #15-28) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 14, BOARDS, COMMISSIONS AND COMMITTEES, ARTICLE II: ECONOMIC DEVELOPMENT COMMISSION**

**WHEREAS**, the duties of the Economic Development Commission have been largely phased out due to the creation of the Redevelopment Agency; and

**WHEREAS**, although the Township’s Code provides for the creation of an Economic Development Commission, State law does not require its existence; and

**WHEREAS**, because the powers and duties of the Economic Development Agency are largely redundant and practically unnecessary due to the existence of the Redevelopment Agency, the Township is desirous of eliminating the requirement that the Economic Development Commission perpetually exist, but rather place its establishment in the discretion of the Mayor.

**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 14, BOARDS, COMMISSIONS AND COMMITTEES, ARTICLE II: ECONOMIC DEVELOPMENT COMMISSION is hereby amended as follows:

**ARTICLE II: ECONOMIC DEVELOPMENT COMMISSION**

**§ 14-2 MEMBERS; RESIDENCY AND SELECTION REQUIREMENTS.**

~~There shall be a~~ An Economic Development Commission may be formed at the discretion of the Mayor, consisting of 11 members appointed by the Mayor with advice and consent of Council, who shall be residents of the Township of Ewing, except that there may be a total of three nonresidents so long as such nonresident owns or is employed by a business located in the Township, and shall be selected on the basis of qualifications and fitness for service on the Commission.

**§ 14-3 CHAIRPERSON OF COMMISSION.**

The Commission shall choose from among its members a Chairman and such other officers as it may deem necessary.

**§ 14-4 TERMS OF OFFICE.**

Four members of the Commission shall be appointed for a term of one year and until the appointment and qualification of their successors; four members shall be appointed to serve for a term of two years and until the appointment and qualification of their successors; and three members shall be appointed for a term of three years and until the appointment and qualification of their successors. All subsequent terms thereafter shall be for a period of three years.

**§ 14-5 COMPENSATION.**

The members of the Commission shall serve without compensation.

#### **§ 14-6 POWERS AND DUTIES.**

The duties of the Economic Development Commission shall be as follows:

- A. To conduct a study and survey of the opportunities of the Township of Ewing for industrial expansion and development.
- B. To analyze the several and various industries of the nation with a view to ascertaining the type of industry best suited to the economic and social improvement of the Township.
- C. To recommend to the Township Council and the Planning Board reasonable and desirable restrictions concerning industrial sites in order to safeguard property values of established residential areas in the Township.
- D. To recommend to the Township Council and the Planning Board desirable and suitable areas within the Township for the location of industry, light manufacturing and business.
- E. To promote the advantages of the Township for industrial settlement.
- F. To encourage expansion of existing industry and business to the best interest of the Township.
- G. To prepare, develop and distribute any and all types of material and data advertising the advantages of the Township to new business and industry.
- H. To make semiannual reports to the Township Council setting forth and detailing therein the activities and operations of the Commission during the preceding six months.

#### **§ 14-7 ASSISTANCE.**

The Commission shall receive from all officials and all authorized boards, departments and offices of the Township such assistance as may be required by the Commission in performing its duties, and the Commission shall be given access to all municipal records and information which may assist it in the performance of its duties.

#### **§ 14-8 FUNDS.**

There shall be appropriated in each annual budget of the Township such sum as may be determined by the Township Council to be necessary for the purpose of advertising the advantages of the Township, and the Commission is authorized to use and expend such funds for such purposes upon the adoption of the annual budget.

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. Ms. Wollert made a motion to close the Public Hearing, seconded by Mr. Baxter. 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>Mr. Baxter</b>		<b>ABSTAIN</b>
<b>Ms. Wollert</b>	<b>YES</b>	
<b>President Keyes-Maloney</b>	<b>YES</b>	

**3. The Clerk read (Ordinance #15-29) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 26, CODE OF ETHICS**

**WHEREAS**, pursuant to N.J.S.A. 40A:9-22.4, ethical issues concerning municipal employees and officers can be resolved by the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs (“Local Finance Board”); and

**WHEREAS**, pursuant to N.J.S.A. 40A:9-22.7, the Local Finance Board also has the power to initiate, receive, hear and review complaints as well as issue advisory opinions, among many other powers; and

**WHEREAS**, because the powers and duties of the Ethical Standards Board are largely redundant and practically unnecessary due to the existence of the Local Finance Board, the Township is desirous of eliminating the requirement that the Ethical Standards Board perpetually exist, but rather place its establishment in the discretion of the Mayor.

**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 26, CODE OF ETHICS is hereby amended as follows:

**§ 26-6 EWING TOWNSHIP ETHICAL STANDARDS BOARD; MEMBERS.**

- A. An Ethical Standards Board may be formed at the discretion of the Mayor. There is hereby established the Ewing Township Ethical Standards Board, consisting The Ethical Standards Board shall consist of six members who are residents of the Township, at least two of whom shall be public members. The members of the Board shall be appointed by the Mayor with the advice and consent of the Township Council. The members shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. No more than three members of the Board shall be of the same political party.
- B. The members of the Ewing Township Ethical Standards Board shall annually elect a Chairperson from among the membership.
- C. The members shall serve for a term of five years, except that of the members initially appointed, two of the public members shall be appointed to serve for a term of five years, one member shall be appointed to serve for a term of four years and the remaining members shall be appointed to serve for a term of three years. Each member shall serve until his successor has been appointed and qualified. Any vacancy occurring in the membership of the Board shall be filled in the same manner as the original appointment for the unexpired term.
- D. Members of the Board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties under this chapter.
- E. All hearings required pursuant to this chapter shall be conducted in conformity with the rules and procedures, insofar as they may be applicable, provided for hearings by a state agency in contested cases under the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.
- F. In the event that a hearing is to be held, the officer or employee charged with violation of this chapter shall be accorded due process of law, including but not limited to the following:
  - (1) Right to counsel.
  - (2) Right to pre-hearing discovery.



- (3) Right to take sworn oral and written testimony for any person.
- (4) Reasonable notice of hearing.
- (5) Right to subpoena persons and documents.
- (6) Right to make stenographic record of the hearing.

Right of examination and cross examination.

#### **§ 26-7 FACILITIES AND STAFF.**

- A. The Township Council shall provide the Ewing Township Ethical Standards Board with the facilities needed for the conduct of its business and the preservation of its records, and shall supply equipment and supplies as may be necessary and as may be provided for in the annual municipal budget.
- B. All necessary expenses incurred by the Ewing Township Ethical Standards Board and its members shall be paid, upon certification of the Chairperson of the Board, by the Township Treasurer within the limits of funds appropriated in the annual budget or by emergency appropriations for those purposes.
- C. The Ewing Township Ethical Standards Board may request and receive assistance from Township officers and employees, including the Municipal Clerk and the Township Attorney, and may appoint employees, including independent counsel, and clerical staff as are necessary to carry out the provisions of this chapter within the limits of funds appropriated by the Township Council for those purposes in the annual budget.

#### **§ 26-8 ADOPTION OF CODE OF ETHICS.**

On May 16, 1991, pursuant to law, the Ewing Township Ethical Standards Board adopted a Code of Ethics, which remains in effect and which has been incorporated into the Township's Personnel Policy and Procedure Manual.

Editor's Note: The Manual is on file in the office of the Municipal Clerk.

#### **§ 26-9 POWERS AND DUTIES OF ETHICAL STANDARDS BOARD.**

The Ewing Township Ethical Standards Board shall have the following powers:

- A. To initiate, receive, hear and review complaints and hold hearings with regard to possible violations of the Municipal Code of Ethics or financial disclosure requirements by local government officers or employees serving the Township.
- B. To issue subpoenas for the production of documents and the attendance of witnesses with respect to its investigation of any complaint or to the holding of a hearing.
- C. To forward to the County Prosecutor or the Attorney General or other governmental body any information concerning violations of the Code of Ethics or financial disclosure requirements by officers or employees serving the Township which may warrant the institution of other legal proceedings by the Attorney General.
- D. To render advisory opinions to local officers or employees serving the Township as to whether a given set of facts and circumstances would constitute a violation of any provision of the Code of Ethics or financial disclosure requirements.
- E. To enforce the provisions of the Code of Ethics and financial disclosure requirements with regard to officers or employees serving the Township and to impose penalties for the violation thereof as are authorized by this chapter.
- F. To adopt rules and regulations and to do other things as are necessary to implement the purposes of this chapter.

#### **§ 26-10 ADVISORY OPINIONS.**

- A. Any officer or employee of the Township of Ewing may request and obtain from the Ewing Township Ethical Standards Board an advisory opinion as to whether any proposed activity or conduct would in its opinion constitute a violation of the Code of Ethics or any financial disclosure requirements.

- B. Advisory opinions shall not be made public, except when the Board, by the vote of 2/3 of all of its members, directs that the opinion be made public.
- C. Public advisory opinions shall not disclose the name of the officer or employee unless the Board, in directing that the opinion be made public, so determines.

#### **§ 26-11 COMPLAINTS.**

- A. The Ewing Township Ethical Standards Board, upon receipt of a signed written complaint by any person alleging that the conduct of any officer or employee of the Township of Ewing serving the Township is in conflict with the Code of Ethics or financial disclosure requirements, shall acknowledge receipt of the complaint within 30 days of receipt and initiate an investigation concerning the facts and circumstances set forth in the complaint.
- B. The Board shall make a determination as to whether the complaint is within its jurisdiction or frivolous or without any reasonable factual basis.
- C. If the Board shall conclude that the complaint is outside its jurisdiction, frivolous or without factual basis, it shall reduce that conclusion to writing and shall transmit a copy thereof to the complainant and to the officer or employee of the Township of Ewing against whom the complaint was filed.
- D. If the Board shall conclude that the complaint is within its jurisdiction and has at least a minimal factual basis, the Board shall notify the officer or employee of the Township of Ewing against whom the complaint was filed of the nature of the complaint and the facts and circumstances set forth therein.
- E. The officer or employee shall have the opportunity to present the Board with any statement or information concerning the complaint which he or she wishes.
- F. If the Board determines that a reasonable doubt exists as to whether the officer or employee of the Township of Ewing is in conflict with the Municipal Code of Ethics or any financial disclosure requirements, the Board shall conduct a hearing concerning the possible violation and any other facts and circumstances which may have come to the attention of the Board with respect to the conduct of the officer or employee.
- G. The Board shall render a decision as to whether the conduct of the officer or employee is in conflict with the Code of Ethics or any financial disclosure requirements. This decision shall be made by no less than 2/3 of all members of the Board.
- H. If the Board determines that the officer or employee is in conflict with the Code of Ethics or any financial disclosure requirements, it may impose penalties which it believes appropriate within the limits of this chapter.

#### **§ 26-12 VIOLATIONS AND PENALTIES.**

- A. An appointed officer or employee of the Township of Ewing found guilty by the Ewing Township Ethical Standards Board of the violation of any provision of this chapter or of any Code of Ethics in effect pursuant to this chapter shall be fined not less than \$100 nor more than \$500, which penalty may be collected in a summary proceeding pursuant to the Penalty Enforcement Law, N.J.S.A. 2A:58-1. The Ewing Township Ethical Standards Board shall report its findings to the office or agency having the power of removal or discipline of the appointed officer or employee and may recommend that further disciplinary action be taken.
- B. An elected officer or employee of the Township of Ewing found guilty by the Ewing Township Ethical Standard Board of the violation of any provision of this chapter shall be fined not less than \$100 nor more than \$500, which penalty may be collected in a summary proceeding pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-1).
- C. The finding by the Ewing Township Ethical Standards Board that an appointed officer or employee of the Township of Ewing is guilty of the violation of the provisions of this chapter, or of any Code of Ethics in effect pursuant to this chapter, shall be sufficient cause for his removal, suspension, demotion or other disciplinary action by the officer or agency having the power of removal or discipline. When a person who is in the career service is found to have violated the provisions of this chapter or any Code of Ethics in effect pursuant to this chapter, the procedure leading to removal, suspension, demotion or other disciplinary action shall be governed by any applicable procedures of Title 11A of the New Jersey Statutes and the rules promulgated pursuant thereto.

**§ 26-13 RECORDS OF ETHICAL STANDARDS BOARD.**

All statements, complaints, requests or other written materials filed pursuant to this chapter and any rulings, opinions, judgments, transcripts or other official papers prepared pursuant to this chapter shall be preserved for a period of five years from the date of filing or preparation, as the case may be.

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. Ms. Wollert 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 Mr. Baxter. It was agreed by unanimous voice vote. Ms. Wollert then moved the Ordinance, seconded by Ms. Steward. President Keyes-Maloney called for a roll call.**

**ROLL CALL**

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

- 4. The Clerk read (Ordinance #15-30) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER TO AUTHORIZE THE PRIVATE SALE OF PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE, SPECIFICALLY BICYCLES, TO THE BOYS AND GIRLS CLUB OF TRENTON AND MERCER COUNTY, A 501(c)(3) NON-PROFIT ORGANIZATION**

WHEREAS, the Township Council determines that the following personal property owned by the Township, consisting of bicycles is no longer needed for municipal purposes by the Township of Ewing:

**Bicycles**

Approximately 48 bicycles of various types that have been collected and/or provided to the Township over time (see attached list)

WHEREAS, pursuant to N.J.S.A. 40A:12-21.1, the Township Council authorizes the private sale of such personal property for nominal consideration to any organization listed in N.J.S.A. 40A:12-21; and,

WHEREAS, The Boys and Girls Club of Trenton and Mercer County is an approved 501(c)(3) not-for-profit charity formed to enable all young people, especially those most in need, to reach their full potential as productive, caring, and responsible citizens.; and,

WHEREAS, pursuant to N.J.S.A. 40A:12-21(k), The Boys and Girls Club of Trenton and Mercer County meets the definition of an organization to which municipalities may make private sales of personal property for nominal consideration.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Ewing, as follows:

Section 1.

The following personal property owned by the Township of Ewing, consisting of bicycles, which is no longer needed for municipal purposes by the Township of Ewing:

**Bicycles**

Approximately 48 bicycles of various types that have been collected and/or provided to the Township over time (see attached photograph)

shall be sold pursuant to N.J.S.A. 40A:12-21.1 and N.J.S.A. 40A:12-21(k) to The Boys and Girls Club of Trenton and Mercer County for a nominal consideration of \$1.00.

Section 2.

This Ordinance shall take effect as provided by law.

**STATEMENT**

This Ordinance amends the Revised General Municipal Ordinances of the Township of Ewing to authorize the private sale of bicycles no longer needed for municipal purposes by the Township of Ewing.

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

- 5. The Clerk read (Ordinance #15-31) AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$1,000,000 FOR THE PAYMENT OF PREPARATION AND EXECUTION OF A COMPLETE REVALUATION IN AND FOR THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY AS FOLLOWS:

Section 1. The payment by the Township of Ewing, in the County of Mercer, New Jersey (the "Township") for the preparation and execution of a complete revaluations program so ordered by the county board of taxation, is hereby authorized, and a special emergency appropriation not to exceed \$1,000,000 is authorized pursuant to the Local Budget Law (N.J.S.A. 40A:4-53(h)) for such purpose.

Section 2. A copy of this ordinance as finally adopted shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

Section 3. This ordinance shall take effect in accordance with applicable law.

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

**ROLL CALL**

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

**NEW BUSINESS**

1. The Clerk read (**Resolution #15R-164**) A RESOLUTION AUTHORIZING SPECIAL EMERGENCY NOTES IN THE AMOUNT OF \$1,000,000 TO FUND THE PAYMENT OF THE PREPARATION AND EXECUTION OF A COMPLETE REVALUATION PROGRAM IN AND BY THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY

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

**ROLL CALL**

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

2. The Clerk read (**Resolution #15R-165**) A RESOLUTION AUTHORIZING THE APPROVAL FOR RENEWAL OF 2015-2016 EWING MUNICIPAL LIQUOR LICENSES

President Keyes-Maloney explained that this relates to Café Mulino.

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

**ROLL CALL**

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

3. The Clerk read (**Resolution #15R-166**) A RESOLUTION AUTHORIZING THE ONE YEAR EXTENSION OF THE CONTRACT FOR THE PRIVATE COLLECTION OF MUNICIPAL COURT DEBT

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

**ROLL CALL**

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

4. The Clerk read (**Resolution #15R-167**) A RESOLUTION AUTHORIZING THE USE OF COMPETITIVE CONTRACTING PURSUANT TO N.J.S.A. 40A:11-4.1 ET SEQ. FOR A CONTRACT TO OPERATE THE EWING ANIMAL SHELTER

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

**ROLL CALL**

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

5. The Clerk read (**Resolution #15R-168**) A RESOLUTION AUTHORIZING THE RENEWAL OF THE KIDSBRIDGE, INC. LEASE AT THE EWING SENIOR AND COMMUNITY CENTER

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

**ROLL CALL**

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

6. The Clerk read (**Resolution #15R-169**) A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ENTER INTO AN AGREEMENT WITH THE EWING-LAWRENCE SEWERAGE AUTHORITY, THOMAS AND BARBARA NEWELL AND THE TOWNSHIP OF HOPEWELL FOR THE PROVISION OF SEWER SERVICES FOR 13 BRANDON ROAD WEST

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

**ROLL CALL**

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

7. The Clerk read (**Resolution #15R-170**) A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ENTER INTO AN AGREEMENT WITH THE EWING-LAWRENCE SEWERAGE AUTHORITY, RENAUD COUILLENS AND NICOLE COUILLENS AND THE TOWNSHIP OF HOPEWELL FOR THE PROVISION OF SEWER SERVICES FOR 18 BRANDON ROAD

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

**ROLL CALL**

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

8. The Clerk read (Resolution #15R-171) A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO GTBM, INC. FOR THE PROVISION OF AN ELECTRONIC TICKETING (ETICKET) SYSTEM FOR THE EWING TOWNSHIP POLICE DEPARTMENT

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

**ROLL CALL**

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

9. The Clerk read (Resolution #15R-172) A RESOLUTION AMENDING RESOLUTION #15R-4 AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR TOWNSHIP ATTORNEY TO MAEVE CANNON, ESQUIRE TO REFLECT NEW LAW FIRM OF STEVENS & LEE

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

**ROLL CALL**

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

10. The Clerk read (Resolution #15R-173) A RESOLUTION APPOINTING SUSAN E. BATE TO A TWO YEAR TERM AS DEPUTY MUNICIPAL CLERK

President Keyes-Maloney said that Sue does a great job for us and is happy to approve this.

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

**ROLL CALL**

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

11. The Clerk read (Resolution #15R-174) A RESOLUTION AUTHORIZING THE DONATION, RECYCLING OR DISPOSAL OF PROPERTY OF NOMINAL VALUE

President Keyes-Maloney stated that this is related to a number of computer parts and a typewriter. These items are being recycled.

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

**ROLL CALL**

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

12. The Clerk read (**Resolution #15R-175**) A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO MTB, LLC FOR THE EWING SENIOR & COMMUNITY CENTER PHASE 3 ROOF REPLACEMENT PROJECT IN THE AMOUNT OF \$267,239.00

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

**ROLL CALL**

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

13. The Clerk read (**Resolution #15R-176**) A RESOLUTION 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

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
Ms. Wollert	YES
President Keyes-Maloney	YES

**CLOSED SESSION**

**(None for this Meeting)**

**ADJOURNMENT**

President Keyes-Maloney announced that the Ewing Township Patriotic Committee will be holding their annual breakfast this Saturday, September 12<sup>th</sup> at 10:00 a.m. at Hollowbrook. The Administrator added that the 9/11 ceremony will be held this Friday at 5:30 p.m. at the Municipal Building.

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 7:44 p.m.