

April 22, 2014 – REGULAR SESSION

President Baxter called the meeting to order at 7:17 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 13th day of April 2014.

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

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

President Baxter stated that we wanted to have a coordinated effort, so he asked Mr. Arce to represent the various taxi owners that are in the audience tonight. President Baxter then said that as he did not want an issue to be missed, he asked that the taxi owners in the audience only address Council if Mr. Arce missed something in his remarks.

President Baxter stated that we did try to set up a forum with the County so the taxi owners and drivers can present their issues to them; this is still something that is in progress.

Juan Arce (11 Lincoln Court – Floor Two, Hamilton Township) stated that he wanted Ewing Township to establish the position of Taxi Inspector as that will protect taxi businesses as well as consumers and also raise revenue for the Township. Mr. Arce also said that there have been numerous examples of harassment in the past week, besides the harassment he mentioned the previous time that he came before Council by the Taxi Inspector of Trenton. Mr. Arce said that the owner of Yellow Cab in Trenton is also harassing taxi drivers by acting as if he has policing powers. Mr. Arce added that the management style of the owner of Yellow Cab has forced his drivers to “defect” and set-up their own taxi companies in Ewing.

Mr. Arce then discussed in detail his reasons why a Taxi Inspector will be good for both Ewing and Hamilton and the taxi owners and drivers.

President Baxter then thanked Mr. Arce for coming before Council.

The Administrator asked Mr. Arce if the taxi owners are having the same issues at the Hamilton Rail Station.

Mr. Arce replied that it was a different issue – a Trenton taxi picked up one of his regular customers, did not drive in a lawful manner and dropped the fare off on Route 33 in Hamilton.

Tarek Saleh (43 East Taylor Avenue) stated that he has noticed that Trenton taxis hide at Hamilton Rail Station and then take the fare. It is mostly Yellow Cab and Star Cab.

Willie Hemingway (1461 West State Street) thanked Council for the opportunity to come before them. Mr. Hemingway then stated that there are a number of issues that need to be addressed. Mr. Hemingway first said that he wanted Council to speak to the Trenton City Council to work out some of these issues. Mr. Hemingway then said that it is his belief that a fare should be able to call any taxi company that they feel comfortable with. Mr. Hemingway asked Council to put a cap on the number of taxi cabs licensed in the Township as the Township has many more taxis than is needed. Mr. Hemingway also asked Council why licenses cannot be transferred as transfers are allowed in West Windsor, Princeton, Trenton, and New York City.

Transferring a license will allow someone to build a business and will be incentive to make that business better. Mr. Hemingway also stated that a Taxi Inspector is needed for enforcement.

There were no additional questions or comments from the Public.

CONSENT AGENDA

The Clerk read the Consent Agenda: (Resolution #14R-81/)

1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$1,760,187.51 and to Pay Supplemental Bills per Resolution #14R-44 in the Amount of \$1,422.54
2. A Resolution Authorizing a Refund, as Recommended by the Tax Collector, for Overpayment in the Amount of \$1447.88 for May 1, 2014 Tax Quarter to Barrett, George P., 634 Concord Circle, Ewing, NJ, 08618, for Property Owner Barrett, George P., for Block: 286 Lot: 124 also Known as 634 Concord Cir., for Overpayment of May 1, 2014 Tax Quarter
3. A Resolution Authorizing a Refund, as Recommended by the Tax Collector, for Overpayment in the Amount of \$1007.25 for April 1, 2014 Sewer Bill to Barry W. Rank, 12 Fox Run Rd, Pennington, NJ, 08534, for Property Owner Rank W. Barry, for Block: 365 Lot: 21 Qual: T0003 also Known as 1410 Parkway Ave., for Overpayment of April 1, 2014 Sewer Bill
4. A Resolution Authorizing a Refund and Cancellation, as Recommended by the Tax Collector, a REFUND in the Amount of \$561.41 for First Half of 2014 Tax Bill and a CANCELLATION in the Amount of \$2,245.63 for First Half of 2014 Tax Bill to Flowers, Willie, 1100 Parkside Ave., Ewing, NJ 08618.2626 for Property Owner Flowers, Willie J., for Block: 294 Lot: 76, also Known as 1100 Parkside Ave. Due to 100% Disabled Veteran since February 28, 2014.
5. A Resolution Authorizing the Patriotic Committee to Hold its Annual Fourth of July Parade (application with Police Department)
6. A Resolution Authorizing Palmer Lane Lower Ferry Road Civic Association to Hold a Block Party/Road Closing on May 26th, 2014
7. A Resolution Authorizing the Conduct of an On-Premise Merchandise Raffle Sponsored by the Junior League of Greater Princeton on May 3, 2014

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

ROLL CALL

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

CY2014 TOWNSHIP BUDGET

- 1. The Clerk read (Resolution #14R-82) RESOLUTION TO READ BUDGET BY TITLE AT PUBLIC HEARING**

President Baxter and the Clerk explained that the Budget can be read by Title at the Public Hearing as all the criteria to do so have been met. The criteria are: there were twenty-eight days between this meeting and when the Budget was introduced, the Public Meeting was advertised ten days before this meeting, and copies of the Budget were posted at the library on Scotch Road and the library at Hollowbrook.

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

ROLL CALL

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

- 2. PUBLIC HEARING ON THE CY2014 BUDGET**

Mr. Schroth made a motion to open the Public Hearing, seconded by Ms. Keyes-Maloney. It was agreed by unanimous voice vote.

Don Apai (2181 Pennington Road) stated that he is a member of the Senior Citizen Advisory Committee and asked, on behalf of the seniors, what is the resolution to their request for the reinstatement of some of the travel money.

The CFO replied that she cannot recall the exact dollar amount, but it is back in the Recreation Budget.

Mr. Apai thanked Council on behalf of the Senior Citizen Advisory Committee.

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

Ms. Wollert made a motion to close the Public Hearing, seconded by Ms. Steward. It was agreed by unanimous voice vote.

President Baxter explained that Council will not be voting on the Budget tonight as we are still waiting for numbers from the State. President Baxter then said that if there are any amendments to the Budget, there will be a Public Hearing on those amendments.

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

- 1. The Clerk read (Ordinance #14-07) 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 9 NEW TRENT STREET**

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

President Baxter explained that this will provide one of our residents with a handicapped parking sign in front of her home. The resident filled out an application that was vetted by the Police; this sign is necessary.

Ms. Steward then moved the Ordinance, seconded by Mr. Schroth. President Baxter called for a roll call.

ROLL CALL

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

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

- 1. The Clerk read (Ordinance #14-04) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 211 SALE OF USED GOODS AND EQUIPMENT TO PROVIDE FOR ELECTRONIC REPORTING TO POLICE OF USED GOODS OR EQUIPMENT PURCHASED BY DEALERS**

WHEREAS, monitoring the sale of used goods and equipment by dealers is a critical law enforcement activity in the prevention of the sale of stolen goods and equipment; and

WHEREAS, technological advances have given law enforcement agencies, including the Ewing Township Police Department, electronic reporting and criminal investigation systems which provide a powerful tool in the identification of stolen goods and equipment and in turn help prevent their sale on the second-hand market; and

WHEREAS, the Ewing Township Police Department wishes to have the option to require licensed dealers of used goods and equipment to report their purchase of such goods and equipment to an electronic reporting and criminal investigation system in lieu of or in addition to the current procedure enumerated under § 211-4 and § 211-6 of the General Ordinances of the Township of Ewing.

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 211, SALE OF USED GOODS AND EQUIPMENT, Section 4, IDENTIFICATION OF SELLER; REQUIRED INFORMATION, is hereby amended to read as follows:

§ 211-4 Identification of seller; required information.

A licensee shall require of each person selling used goods or equipment as defined in § 211-1 above suitable identification setting forth the true name and home address of the seller. Acceptable identification includes a valid driver's license issued by any state of the United States of America, a valid government-issued identification, or photo identification and one fingerprint, which will be recorded on the receipt retained by the licensee, and subsequently forwarded to the Ewing Township Police Department ~~upon request~~. A licensee shall issue to each seller a serially numbered receipt setting forth the following information, completed by the licensee:

- A. The name and business address of the licensee;
- B. A detailed legible description of the item(s), and the manufacturer of the item(s). In the case of jewelry, description must include style, length, color, design and stones if any.
- C. A statement in full of any identifying marks on the item, such as initials, names, dates, social security numbers engraved thereon, serial numbers or any other information which sets apart the particular object from others of like kind.
- D. If the item is purchased by weight, the troy ounce weight of the item.
- E. The legible name of the clerk or employee of the licensee making the transaction.

- F. The name and home address of the seller, which shall be verified by proof of identification. The receipt book shall be a record kept in the regular course of business of the licensee.
- G. The actual price paid for the purchase of such item.
- H. A photographed recording of the item(s) being purchased by the licensee will be ascertained by the Ewing Township Police Department. The photograph should be of digital JPEG format and quality, with the ability to be electronically transferred to a computer, and shall include a photograph of the identification presented by the seller, and it shall be attached to the above-mentioned serially numbered receipt. If required by the Ewing Township Police Department, licensee shall compile and/or transmit such information to an electronic reporting and criminal investigation system as specified by the Ewing Township Police Department.

Section 2 Chapter 211, SALE OF USED GOODS AND EQUIPMENT, Section 6, RECORDKEEPING; ASSIGNMENT OF LICENSE, is hereby amended to read as follows:

- A. A licensee shall maintain duplicate copies of all issued seller receipts and photographs in legible form, for a period of at least two years from the date of purchase by the licensee. The receipts shall be available upon request for inspection, during normal business hours, by members of the Ewing Township Police Department. Copies of the receipts shall be made available for the Ewing Township Police Department at the licensee's expense. The license issued to the licensee shall be posted in a conspicuous place at the location of the licensed business.
- B. Licensee shall forward a copy of all purchase receipts to the Criminal Investigations Bureau of the Ewing Township Police Department either via e-mail, fax or hand delivery, and/or transmit into an electronic reporting and criminal investigation system as may be specified by the Ewing Township Police Department not less than once every seven days; however, no articles or goods referred to in § 211-1 above shall be sold, altered or otherwise disposed of unless a copy of the purchase receipt shall have been e-mailed, faxed or hand delivered, and/or transmitted into an electronic reporting and criminal investigation system, as may be specified by the Ewing Township Police Department, to the Criminal Investigations Bureau at least 24 hours before such disposition.
- C. No license shall be assignable by the licensee.

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 Baxter explained that this allows the Police to better track the sale of used goods as second-hand dealers can now electronically report to a nation-wide database.

There were no questions or comments from members of Council.

Ms. Wollert made a motion to open the Public Hearing, seconded by Ms. Keyes-Maloney. It was agreed by unanimous voice vote.

There were no questions or comments from member of the Public.

Ms. Wollert then made a motion to close the Public Hearing, seconded by Ms. Keyes-Maloney. It was agreed by unanimous voice vote.

Mr. Schroth then moved the Ordinance, seconded by Ms. Steward. President Baxter then asked for a roll call.

ROLL CALL

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

2. The Clerk read (Ordinance #14-05) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 225 TRAFFIC REGULATIONS, TO PROHIBIT LEFT TURNS FROM THERESA STREET ONTO ROUTE 31 AND TO PROHIBIT LEFT TURNS AT DULY APPROVED SITE-PLANS WHERE A LEFT-TURN PROHIBITION IS PLACED IN RIGHT-OF-WAY

WHEREAS, the Township of Ewing (“Township”) has determined that left turns from Theresa Street onto Route 31 create a safety hazard; and

WHEREAS, pursuant to the Township’s authority to implement traffic regulations, the Township desires to prohibit left turns from Theresa Street onto Route 31; and

WHEREAS, pursuant to the Township’s authority to implement traffic regulations, the Township desires to prohibit left turns at duly approved site-plans where a left-turn prohibition is placed in right-of-way.

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, TRAFFIC REGULATIONS, Section 67, SCHEDULE XX: LEFT TURN PROHIBITIONS, is hereby amended to read as follows:

§ 225-67 Schedule XX: Left Turn Prohibitions.

Location	"No Left Turn" Sign to be Installed On	In accordance with the provisions of § 225-18A, no person shall make a left turn at any of the following locations:
Capital Plaza Complex onto Princeton Avenue	Driveway exit from Capital Plaza Complex at Princeton Avenue	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.
Ewing High School	The exit driveway at Ewing High School (No left turn, Monday - Friday from 7:15 a.m. to 8:00 a.m. and 2:15 p.m. to 3:00 p.m.)	
Foodtown <u>ShopRite</u> Complex exit located on North Olden Avenue	The driveway exit from Foodtown <u>ShopRite</u> Complex at North Olden Avenue	
From Bear Tavern Road into 7-11 store parking lot	Bear Tavern Road, northerly opposite 7-11 parking lot entrance	
From DeCou Avenue onto Parkway Avenue	DeCou Avenue at its intersection with Parkway Avenue	
From Hollowbrook Drive into Green Lane	Hollowbrook Drive at its intersection with Green Lane	
Shopping center exit located on Parkway Avenue between East Farrell Avenue and Dunmore Avenue	The driveway located on the easterly side of the northerly approach of Parkway Avenue	
The 7-11 store exit onto Bear Tavern Road	Bear Tavern Road at 7-11 exit	
<u>From Theresa Street onto Route 31</u>	<u>Theresa Street at its intersection with Route 31</u>	

Any left-hand turn prohibition codified as part of a duly adopted zoning or planning board resolution in connection with the approval of any site-plan application where a left-hand turn prohibition is placed in right-of-way

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:

President Baxter explained that a sign was illegally placed on Theresa Street. This Ordinance codifies it, so our Police can give out tickets if a left-turn is made. It updates the language in the Ordinance, replacing Food Town with Shop Rite and also prohibits left hand turns where site plans were approved contingent on there being a no left turn prohibition.

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.

Ms. Keyes-Maloney then 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. President Baxter asked for a roll call.

ROLL CALL

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

NEW BUSINESS

- 1. The Clerk read (Resolution #14R-83) RESOLUTION AUTHORIZING EXECUTION OF A RECYCLING TONNAGE GRANT APPLICATION**

President Baxter stated that we apply for this grant annually.

The Administrator gave a detailed list as to how this grant is used.

President Baxter added that the first shred day is in May.

The Administrator responded – yes, and the Mayor will be sending out a message regarding it.

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

Ms. Keyes-Maloney then moved the Resolution, seconded by Ms. Steward.

President Baxter called for a roll call.

ROLL CALL

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

- 2. The Clerk read (Resolution #14R-84) A RESOLUTION SUPPORTING THE USE OF A “NO PASSING ZONE” ON NJ ROUTE 31 IN THE TOWNSHIP OF EWING AS RECOMMENDED BY NJDOT**

President Baxter said that this is already a no passing zone but it is just updating our records for the State.

A member of the Public (did not identify himself) asked what part of Route 31. President Baxter replied that all of Route 31 within Ewing Township. The Administrator added that it is at the request of the State. Route 31 is already a no passing zone through Ewing.

There were no questions from Council; there were no additional questions from the Public.

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

ROLL CALL

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

3. The Clerk read (Resolution #14R-85) A RESOLUTION APPROVING CHANGE ORDER NO. 1 TO GOLDEN CROWN CONTRACTORS FOR THE MUNICIPAL BUILDING INTERIOR RENOVATIONS

The Administrator listed all the items that will be fixed, updated or added with this change order and said that the dollar amount is within the twenty percent requirement for a change order.

Councilman Schroth asked if the tiles were inadvertently left out.

The Administrator replied that the tiles were left out. At first, we thought that we could buff them, but it did not work. The Administrator then detailed some of the other items.

Councilman Schroth asked if these other items were also left out.

The Administrator replied no, we thought of these items but we had to see were the bids came in. Because the bids came in low compared to our estimate, we were able to then allocate for these needs.

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

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

ROLL CALL

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

4. The Clerk read (Resolution #14R-86) A RESOLUTION REJECTING ALL BIDS SUBMITTED FOR BLEACHER REPLACEMENT AT EWING SENIOR AND COMMUNITY CENTER

The Attorney explained that when the bids were initially advertised, the bid specs were confusing. It resulted in bidders bidding on different standards which would affect the cost. The Attorney then said that the recommendation is to reject all bids, correct the bid specs and then rebid.

Councilman Schroth asked if the safety issues involved were a legal standard or something else.

The Attorney replied that it is her understanding that it is a legal standard dealing with the aisle width.

The Administrator added that the bleachers at the Ewing Senior and Community Center were not in compliance with the current code regarding safety issues.

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

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

ROLL CALL

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

5. There Clerk read (**Resolution #14R-87**) A RESOLUTION REJECTING ALL BIDS SUBMITTED FOR THE DOOR ACCESS SECURITY SYSTEM AT THE EWING TOWNSHIP MUNICIPAL BUILDING

The Attorney explained that this is another recommendation to reject all bids. The two lowest bidders were non responsive for not providing a list of subcontractors as required by the bidding statutes. The third lowest bid was in excess of the estimate for this project.

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

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

ROLL CALL

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

CLOSED SESSION

(None for this Meeting)

ADJOURNMENT

There being no further business President Baxter called for a motion to adjourn. Ms. Steward so moved, seconded by Ms. Wollert. The meeting was adjourned at 8:01 p.m.

Jennifer Keyes-Maloney, President

Kim Macellaro, Municipal Clerk