

## October 14, 2014 – REGULAR SESSION

President Baxter called the meeting to order at 7:16 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 1st day of July, 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

- |                               |                                |
|-------------------------------|--------------------------------|
| ▪ Ms. Keyes-Maloney – Present | Jim McManimon, Administrator   |
| ▪ Mr. Schroth – Present       | Joanna Mustafa, CFO            |
| ▪ Ms. Steward – Present       | Maeve Cannon, 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

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

### CONSENT AGENDA

The Clerk read the Consent Agenda: (Resolution #14R-174/)

1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$5,432,546.86 and to Pay Supplemental Bills per Resolution #14R-44 in the Amount of \$15,700.98
2. A Resolution Authorizing Glendale Civic Association, Inc. to Hold a Parade/Block Party/Road Closing on October 31, 2014
3. A Resolution Authorizing the Conduct of a Calendar Raffle Sponsored by PTA-Incarnation School from January 1, 2015 through June 1, 2015
4. A Resolution Authorizing the Conduct of a Casino Night Sponsored by Healing Hands of Christ Foundation, Inc.

5. A Resolution Authorizing the Conduct of a 50/50 Off-Premise Cash Raffle Sponsored by Boheme Opera Guild, Inc.
6. A Resolution Authorizing a Refund, as Recommended by the Township Construction Official, for Fees, in the Amount of \$25.00 to Donna Lewis, 40 Clement Ave., Ewing, NJ 08638 for Applicant Fee at 40 Clement Ave., Ewing, NJ 08638. The Homeowner Paid \$50.00 to Expand her Driveway, However, Zoning Denied the Expansion so She Decided to Seal her Driveway Instead
7. A Resolution Authorizing a Refund, As Recommended by the Township Construction Official, for Fees, in the Amount of \$52.00 to Pamela & William Morton, 16 Worthington Dr., Ewing, NJ 08638 for Applicant Fee at 16 Worthington Dr., Ewing, NJ 08638. The Contractor Never Informed them of the Senior Discount and they Would Like a Refund of Half of Permit #20141171

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

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

**(None for this Meeting)**

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

1. The Clerk read (**Ordinance #14-25**) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 91 ALCOHOLIC BEVERAGES

**WHEREAS**, pursuant to N.J.S.A. 33:1-1 et seq., the Township is authorized to regulate the hours and days of sale of alcoholic beverages; and

**WHEREAS**, per A.B.C. regulation, the Township is desirous of amending § 91-9 of the General Ordinances of the Township of Ewing to prohibit the sale of liquor in original containers (package goods) before 9:00 a.m. or after 10:00 p.m. on any day of the week; and

**WHEREAS**, the Township is desirous of amending § 91-9 of the General Ordinances of the Township of Ewing to permit alcohol sales beginning at 10 a.m. on Sunday mornings.

**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 91, ALCOHOLIC BEVERAGES, Section 9, REGULATION OF LICENSES, is hereby amended to read as follows:

**§ 91-9 Regulation of Licenses.**

- A. Hours of sale; persons on premises prohibited after closing. No alcoholic beverages shall be sold, consumed in or delivered to a licensed premises on any day between the hours of 2:00 a.m. and 7:00 a.m., excepting Sundays and New Year's Day each year, as hereinafter provided. No licensee shall suffer, permit or allow any person on the premises during such hours, except those whose presence is required for a bona fide commercial, business or official reason other than the sale, purchase, consumption or delivery of alcoholic beverages. Additionally, no licensee shall sell liquor in original containers (package goods) before 9:00 a.m. or after 10:00 p.m. on any day of the week.
- B. Sundays, The provisions of Subsection A shall not apply on Sunday. On that day no alcoholic beverages may be sold, served, consumed in or delivered to a licensed premises

between the hours of 2:00 a.m. and 12:00 noon-, except licensed premises qualifying as restaurants, who may sell alcoholic beverages beginning at 10:00 a.m. on Sundays. "Restaurant" for purposes of this section shall mean an establishment regularly and principally used for providing meals to the public, having an adequate kitchen and dining room equipped for the preparing, cooking and serving of food for its customers.

- C. New Year's Day. The provisions of Subsection A shall not apply to January 1 when that day falls on a weekday. On that day a licensed premises may remain open between the hours of 2:00 a.m. and 7:00 a.m. When New Year's Day falls on a Sunday, no alcoholic beverages shall be served between 5:00 a.m. and 12:00 noon.
- D. Display of Fetal Alcohol Syndrome (FAS) warning signs. All licensees who sell alcoholic beverages pursuant to this article shall prominently post on their premises a warning sign describing the dangers to the unborn children of women who consume alcoholic beverages while pregnant. The nature and type of warning sign shall be determined by the Board of Health, which shall prepare and distribute the warning signs. Any licensee violating the provisions of this subsection shall be subject to a penalty as provided for in Chapter 1, General Provisions, Article III, General Penalty.

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.

**There were no questions or comments from Council. Ms. Wollert made a motion to open the Public Meeting, 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 Ms. Steward. 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**

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

**NEW BUSINESS**

1. **The Clerk read (Resolution #14R-175) A RESOLUTION AUTHORIZING THE ACCEPTANCE FOR THE FY2014 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE**

**President Baxter said that this is a grant in the amount of \$9,025 to help the Police.**

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

**ROLL CALL**

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

2. The Clerk read (Resolution #14R-176) RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

President Baxter said that this is the Justice Grant that we just accepted along with another one from 2012 for \$11,332.00 and a Sprint Police grant for \$19,932.

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

**ROLL CALL**

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

3. The Clerk read (Resolution #14R-177) A RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF GREEN LANE PHASE II PROJECT

President Baxter said that this will help us repave Green Lane from Pennington all the way to Ewingville, along with cutting out bike paths and some college upgrades. The Administrator said that the college upgrades are not part of this grant; this is just for the resurfacing.

Councilman Schroth asked how long will the total project last.

The Administrator said that this project, depending on the weather, may take about a month. It also depends on when we go out to bid.

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

**ROLL CALL**

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

4. The Clerk read (Resolution #14R-178) A RESOLUTION AWARDING THE CONTRACT FOR TENNIS COURT RECONSTRUCTION AT THE EWING SENIOR AND COMMUNITY CENTER IN THE AMOUNT OF \$170,922.00

President Baxter said that these are the tennis courts behind the Senior Center. There will be three new tennis courts along with a partition that can be used to hit balls against. The total number of tennis courts in the Township will be thirteen – these three along with six at Ewing High and four at Banchoff Park.

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

**ROLL CALL**

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

5. The Clerk read (Resolution #14R-179) A RESOLUTION TO ACCEPT SUBGRANT FY2012 EMERGENCY MANAGEMENT AGENCY ASSISTANCE AWARD FROM THE COUNTY OF MERCER FOR THE EWING OFFICE OF EMERGENCY MANAGEMENT

The CFO explained that the Emergency Management Coordinator will be using this for equipment.

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

**ROLL CALL**

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

6. The Clerk read (Resolution #14R-180) A RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) EMERGENCY EQUIPPED CHEVROLET TAHOE SSV 4 X 4 FOR USE IN THE POLICE DEPARTMENT FROM DAY CHEVROLET AND MUNICIPAL EQUIPMENT ENTERPRISES AS PER STATE CONTRACTS

President Baxter said that this is to replace the Traffic Lieutenant's vehicle as the current vehicle is in dire need of repair. And this goes along with continuing to upgrade the fleet according to the newly instituted schedule.

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

**ROLL CALL**

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

7. The Clerk read (Resolution #14R-181) A RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) 2014 CHEVROLET TAHOE FOR USE BY THE ANIMAL CONTROL OFFICER WITHIN THE HEALTH DEPARTMENT AS PER STATE CONTRACT

The Administrator said that this will replace two Animal Control vehicles.

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

**ROLL CALL**

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

8. The Clerk read (Resolution #14R-182) A RESOLUTION AUTHORIZING A MAINTENANCE GUARANTEE RELEASE FOR THE ELEMENT HOTEL, 1000 SAM WEINROTH ROAD (BLOCK 371/LOT 3.03)(FORMERLY LOT 3.02) – EWING ENGINEERS REMINGTON, VERNICK & ARANGO RV&A #1102-I-054)

The Attorney explained the procedure for a maintenance guarantee release. Council and the Administrator then discussed that the name of the road has recently been changed. The language in the Resolution was amended to reflect that. The Attorney said that this is a de minimis change and does not have to be readvertised.

There were no additional questions or comments from Council. There were no questions or comments from the Public. Ms. Steward the moved the Resolution as amended, 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

9. The Clerk read (Resolution #14R-183) A RESOLUTION DONATING THE EWING MOVING ACTIVITY CENTER TO THE ARMED FORCES HERITAGE HOUSE MUSEUM

President Baxter said that this is the old moving stage that we are donating. The new stage is in.

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

**ROLL CALL**

Ms. Keyes-Maloney	YES
Mr. Schroth	YES
Ms. Steward	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. Wollert so moved, seconded by Ms. Steward. The meeting was adjourned at 7:31 p.m.

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Jennifer Keyes-Maloney, President

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Kim Macellaro, Municipal Clerk