

March 27th, 2012 - REGULAR SESSION

President Wollert called the meeting to order at 7:30 pm and read the Open Public Meetings Statement:

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 25th day of January, 2012.

ROLL CALL

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| ▪ Mr. Baxter – Present | Jim McManimon, Administrator |
| ▪ Ms. Hyser - Present | Joanna Mustafa, CFO |
| ▪ Mr. Murphy – Present | Maeve Cannon, Attorney |
| ▪ Mr. Summiel - Present | Keysha Preston, Deputy Clerk |
| ▪ President Wollert – Present | |

PRESENTATION OF PROCLAMATIONS – Mayor Bert Steinmann to present Coach Shelly Dearden and the Ewing High Boys Basketball Team

At this time, Council President Wollert gave the floor to Mayor Bert Steinmann who asked all of Ewing High Boys Basketball Team and Coaches to come forward. He presented Coach Dearden with a team picture and proclamation and also gave proclamations to each of the players.

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

(None at this time)

CONSENT AGENDA

The Clerk presented the Consent Agenda for approval: (Resolution #12R-68/)

1. Authorization for the Chief Financial Officer to pay Township bills in the amount of \$4,545,921.09.
2. A Resolution approving the meeting minutes of January 23, 2012 (Agenda), January 24th, 2012 (Regular), February 27th, 2012 (Agenda), February 28th, 2012 (Regular), March 12th, 2012 (Agenda) and March 13th, 2012 (Regular).
3. A Resolution authorizing a Refund, as recommended by the Tax Collector in the amount of \$310.21 for May 1, 2012 tax quarter to Lamons, Sandra & Kenneth, 113 Albemarle Avenue, Ewing, NJ, 08638, for property owner Lamons, Sandra & Kenneth for Block: 78 Lot: 272 also known as 113 Albemarle Avenue for May 1, 2012 paid in error.
4. A Resolution authorizing Incarnation St. James PTA to hold a Carnival on June 26 through June 30th, 2012.
5. A Resolution authorizing the conduct of a Non-Draw Carnival Raffle sponsored by Incarnation St. James School PTA
6. A Resolution authorizing the conduct of a Casino Night sponsored by EASEL (Ewing Animal Extension League) on April 27th, 2012.
7. A Resolution to amend the meeting date of the Township Council for 2012.
8. A Resolution approving David A. Dubuque as a Senior Member of the Pennington Road Volunteer Fire Company

Mr. Murphy then moved the Resolution, seconded by Mr. Baxter.

There being no comment from Council or the public, Council President asked for roll call:

ROLL CALL

Mr. Baxter	YES
Ms. Hyser	YES
Mr. Murphy	YES
Mr. Summiel	YES
President Wollert	YES

Councilman Summiel abstains to the minutes because he wasn't present for those meetings.

CY2012 TOWNSHIP BUDGET

President Wollert explained that we had Department heads here and would like to entertain so that members of the audience can hear what they have to say on their particular department. President Wollert asked Mr. Hespe to come forward being that he deal with the taxes.

Mr. Hespe-(Tax Collector) –stated that there are no changes to his budget increase and that Finance allocated moving the monthly maintenance fee from the IT department, so that the IT budget will go down and his would go up to cover the expense. The estimated tax bills will be out by July.

Councilman Summiel asked which estimated tax bill will go out in July. Mr. Hespe responded 3rd & 4th quarter and 1st & 2nd quarter of next year.

Mr. Forst- (Director of Community Affairs) - Mr. Forst explained that his budget changed. He explained that he brought Hollowbrook under the Trust Account and the Operating budget is running in the right direction. They will be reducing the operating budget from \$157,000 to \$70,000 which is over 50% reduction.

President Wollert explained to the Public that we have been getting HUD funds coming in for many years and continuing to the rate of about 200,000 a year which allows us to do many renovations of that nature. Councilman Summiel asked Mr. Forst are we getting any HUD funds for programming. Sandy Stark stated that there's 25% that can be used for income qualified individuals.

Virginia Franco- (Health Officer) - stated that her budget stayed about the same and that they lost employees due to retirement and they were replaced. Her department also lost out on grant money because it expired (H1N1). Ms. Franco stated that there are no grants unless there is a new disease. CFO Mustafa stated that she increase The Health Dept. due to the decrease of grant mobility. Members of Council asked questions and Ms. Franco & CFO Mustafa responded.

Jeff Burd- (Tax Assessor) –Mr. Burd stated reallocation is the only changes he has in his dept. Mr. Burd also stated that there is request for a small increase for Special Tax Counsel and the State and County level. No needs for personnel. President Wollert and Councilman Summiel asked questions and Mr. Burd responded.

Administrator McManimon stated to Council President Wollert that the rest of the Dept. Heads will be at the next Agenda Meeting.

1. PUBLIC HEARING ON THE INTRODUCED CY2012 BUDGET

Councilman Murphy made a motion to open the Public Hearing, seconded by Councilman Summiel.

Comments from member of the Public

Charles Green (979 Bear Tavern Road) asked about income qualified grants. President Wollert & Administrator McManimon responded.

Councilman Murphy made a Motion to close the public hearing, seconded by Councilman Baxter.

2. A RESOLUTION TO AMEND THE INTRODUCED CY2012 BUDGET

CFO Mustafa explained that the amendment basically comes from the Sanitation Contract through the end of the year, that there is some salary lines moved around. We got some additional grants we received and learned about since the introduction back in February and the correction of some line items.

Councilman Murphy asked when this will go on the website so that residents could see it, CFO Mustafa responded.

President Wollert asked for a motion to move the resolution to amend. Councilman Murphy moved the resolution, seconded by Vice President Hyser.

Councilman Summiel asked questions about some line items. CFO Mustafa explained as well as Administrator McManimon.

President Wollert asked are there any other questions from members of council and members of the public, see none called for roll call.

ROLL CALL

Mr. Baxter	YES	
Ms. Hyser	YES	
Mr. Murphy	YES	
Mr. Summiel		NO
President Wollert	YES	

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

1. The Clerk read (Ordinance #12R-08) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, REGARDING THE DELIVERY OF UNSUBSCRIBED AND UNSOLICITED PUBLICATIONS

President Wollert asked Attorney Cannon to explain.

Ms. Hyser made a motion to move the ordinance for first reading, seconded by Mr. Murphy.

Councilman Summiel stated that he's going to support this ordinance but he knows it's going to be an administrative nightmare, but he's heard the testimony from administration and they think they can handle it, so we can give it a try.

Don Cox (865 Lower Ferry Rd) stated this is very subjective, and asked does this exempt political activity. Mildred Russell (119 King Ave) stated that she is concerned about enforcing this ordinance.

ROLL CALL

Mr. Baxter	YES
Ms. Hyser	YES
Mr. Murphy	YES
Mr. Summiel	YES

President Wollert YES

- 2. The Clerk read (ordinance #12R-09) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, ADDING FEES IN CHAPTER 172, FEES, FOR INFORMAL CONCEPT SITE REVIEW (2012)

President Wollert asked Attorney Cannon to Explain. Attorney Cannon explained that this I an ordinance to add an escrow requirement to persons who come to site review who come and bring their concepts to site review to township professionals for there advise. These are commercial & non owner occupied who are subject to these fees.

After conversation between members of Council and administration

Caroline Stewart (30 Gilmore Rd) questions about businesses not for profit, Administrator McManimon said they may be exempt. They have to the State fees and we wave our fees after they do a waiver. Don Cox (865 Lower Ferry Rd) asked what happen to a Ewing residents who develops a commercial property, President Wollert explained not on commercial properties only on residential.

ROLL CALL

Mr. Baxter YES
Ms. Hyser YES
Mr. Murphy YES
Mr. Summiel YES
President Wollert YES

- 3. The Clerk read an (ordinance #12R-10) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING TO ESTABLISH RANGES FOR SEWER RATES AND CHARGES (2012)

President Wollert asked the CFO to explain. CFO Mustafa stated allow Council to establish by resolution annually the rates required to collect enough rents to satisfy our obligations to ELSA.

Mr. Murphy moved the ordinance for first reading, seconded by Mr. Baxter.

Charles Green (979 Bear Tavern Rd), Don Cox (865 Lower Ferry), Don Apai (2181 Pennington Rd) & Mildred Russell (119 King Avenue) had questions and comments about this ordinance, Administration, CFO Mustafa & Attorney Cannon explained.

ROLL CALL

Mr. Baxter YES
Ms. Hyser YES
Mr. Murphy YES
Mr. Summiel NO
President Wollert YES

- 4. The Clerk read (Ordinance #12R-11) ORDINANCE REAPPROPRIATING \$50,000 INCLUDING \$47,500 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE, IN ORDER TO PROVIDE FOR THE REFURBISHMENT OF THE HOCKEY RINK AT CARLTON AVENUE PARK, IN AND BY THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY (2012)

President Wollert stated that this ordinance is self-explanatory and that Mr. Forst had explained the uses of the rink in the past, and that its over 10 years old and needs to be refurbished.

Mr. Murphy moved the ordinance for first reading, seconded by Mr. Summiel.

Councilman Summiel had safety issues questions, Administrator McManimon explained.

ROLL CALL

Mr. Baxter	YES
Ms. Hyser	YES
Mr. Murphy	YES
Mr. Summiel	YES
President Wollert	YES

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

1. The Clerk read (Ordinance #12-05) AN ORDINANCE OF THE TOWNSHIP OF EWING, COUNTY OF MERCER, STATE OF NEW JERSEY, AMENDING LIQUOR LICENSE REGULATIONS TO ALLOW FOR MINIMUM BID FOR HOTEL/MOTEL PLENARY RETAIL LICENSES (2012)

WHEREAS, pursuant to N.J.S.A. 33:1-12.20, the Township may require a minimum bid not to exceed \$25,000 plus \$50 per sleeping room for the issuance of a new license to a person who operates a hotel or motel containing 100 guest sleeping rooms or who may hereafter construct and establish a new hotel or motel containing at least 100 guest sleeping rooms if the dining facilities of the hotel or motel are regularly and principally used to provide only meals for catered events and breakfast for guests of the hotel or motel; and,

WHEREAS, further, pursuant to N.J.S.A. 33:1-12.20, the Township may require a minimum bid for any new license issued to a person who operates a hotel or motel that does not meet the criteria set forth above for the dining facilities; and,

WHEREAS, the Township desires to implement the licensure and minimum bid requirements contained in N.J.S.A. 33:1-12.20.

NOW THEREFORE BE IT ORDAINED, by the Council of the Township of Ewing, in the County of Mercer, State of New Jersey, that section 91-3 of the Township General Ordinances shall be amended as follows:

Subsections A through E remain unchanged.
New subsection F to be added, as follows:

F. Minimum bid for hotel/motel license.

1. The Township may issue a new license to a person who operates a hotel or motel containing 100 guest sleeping rooms or who may hereafter construct and establish a new hotel or motel containing at least 100 guest sleeping rooms.

2. A person who holds a license issued pursuant to subparagraph 1 of this subsection and who has been required by law to reduce the number of sleeping rooms in the hotel may continue to hold the license if the hotel has at least 75 sleeping rooms, has been in continuous operation for at least 120 years in the same building, and is listed in the National Register of Historic Places.

3. A minimum bid not to exceed \$25,000.00 plus \$50.00 per sleeping room is required for the issuance of a license to a hotel or motel if the dining facilities of the hotel or motel are regularly and principally used to provide only meals for catered events and breakfast for guests of the hotel or motel.

4. A minimum bid exceeding \$25,000.00 is required for the issuance of a license to a hotel or motel where the hotel or motel does not meet the criteria set forth in subparagraph (3).

Section 1. This Ordinance shall take effect after final passage and publication according to law.

STATEMENT

This Ordinance amends the Township liquor license regulations to require a minimum bid for hotel/motel licenses.

Mr. Summiel moved the ordinance for second reading, seconded by Mr. Murphy.

ROLL CALL

Mr. Baxter	YES
Ms. Hyser	YES
Mr. Murphy	YES
Mr. Summiel	YES
President Wollert	YES

2. **The Clerk read (Ordinance #12R-06) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER TO AMEND CHAPTER 267, PEDDLING AND SOLICITING AND CHAPTER 172, FEES, FOR PEDDLING, SOLICITING AND RELATED ACTIVITIES (2012)**

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Ewing that the Code of the Township of Ewing is hereby amended to amend Chapter 267, Peddling and Soliciting, and Chapter 172, Fees, as follows:

Section 1.

§267-2. Definitions.

When used in this chapter, the following terms shall have the meanings indicated:

MERCHANDISE (no change)

All goods, wares, food, drinks, fruits, vegetables, magazines, subscriptions, periodicals, printed material, farm products and all types of articles of personal property, services and orders for contracts for services, home improvements or alterations, and anything that may be sold or distributed by peddlers or solicitors as defined herein.

NONPROFIT ORGANIZATION (no change)

A. Any nonprofit charitable, religious, fraternal, social, civic or veteran organization, service club or other organization qualified under § 501(c)(3) of the Internal Revenue Code or any volunteer fire or first-aid company serving the Township of Ewing; or

B. Any nonprofit organization [whether or not qualified under § 501(c)(3) of the Internal Revenue Code] the primary purpose of which is to benefit the school-age children of the Township of Ewing, including but not limited to schools, school clubs and other similar organizations.

PEDDLER (no change)

Any person, whether a resident of the Township or not, who goes from house to house or place to place by any means of conveyance, carrying or transporting merchandise for the purpose of selling and delivering the merchandise to customers. The term “peddler” shall also include the words “hawker” and “huckster.”

PERSON (no change)

Any individual, firm, partnership, corporation, organization, club or association, or any principal or agent thereof.

SOLICITOR

Any person, whether a resident of the Township or not, who goes from house to house or place to place by any means of conveyance, soliciting or attempting to take orders for the sale of merchandise or services of any kind for future performance or delivery, whether or not such individual has, carries or exposes for sale a sample of the merchandise or services, and whether or not said person is collecting advance payments on such sales or orders, or who engages in any of the foregoing activities from a stationary location on any street or any public place. The word “solicitor” shall also mean any individual who goes from house to house or from place to place for the purpose of obtaining contributions or subscriptions, or who does research analyses, makes surveys or opinion polls, obtains ratings data or similar information, distributes advertisements or handbills of a commercial or partially commercial nature or who engages in any similar work which involves a door-to-door or place-to-place activity. The word “solicitor” shall also include the word “canvasser.”

TRANSIENT MERCHANT

Any person who merchandises or sells with the intent to close out or discontinue a business within a period of six months from the date of commencement and occupies a room, building or other permanently constructed premises for the purpose of selling merchandise. The term “transient merchant” shall also include the words “itinerant vendor.”

A. Any person who engages in a merchandising business in New Jersey with intent to close out or discontinue such business within one year from the date of commencement, including those who for the purpose of carrying on such business, hire, lease or occupy any building, structure or railroad car for the exhibition and sale of such goods, wares and merchandise.

B. A person who, whether a resident of the Township or not, engages in a temporary business within the Township of selling and delivering goods, wares, merchandise or services within the Township and who in furtherance of such purpose hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad, boxcar or boat, public room in hotels, lodging houses, apartments or shops, parking lot, sidewalk, street, alley or other place within the Township for the exhibition and sale of such goods, wares or merchandise, either privately or at public auction.

C. Unless otherwise distinguished herein, the term “transient merchant” shall also include and encompass the terms “itinerant vendor,” “roadside vendor,” as well as operators of circuses, tent shows and carnivals; flea markets; craft/home shows and expositions.

MOBILE RETAIL FOOD ESTABLISHMENT

Any person who engages in the vending of food with a movable truck, van, trailer, bicycle or other movable unit, including hand-carried, portable containers in or on which food or beverage is transported, stored or prepared for immediate consumption, retail sale or given away at temporary locations.

§267-3. License required.

It shall be unlawful for any peddler, solicitor, mobile retail food establishment or transient merchant to sell, offer for sale or distribute merchandise, printed material or services within the Township without first obtaining a license from the Municipal Clerk by filing an application for license, paying a license fee and obtaining a license and identification from the Clerk.

§267-4. Effect of license.

Upon obtaining a license and identification card as hereinafter provided, a peddler, solicitor, or transient merchant or mobile retail food establishment may conduct activities within the Township only as long as that individual adheres to the regulations set forth in this chapter and carries the license and displays the identification card in a conspicuous place at all times during the conduct of activities. The license shall identify the person and type of activity which is licensed and shall be shown to any Township official or police officer or any other individual upon request.

§267-5. Application for license.

An application for license shall be made upon forms provided by the Township, shall be sworn to, shall be filed with the Clerk and shall contain or be accompanied by the following information:

A. For solicitors and peddlers.

(1) Name, age, physical description and social security or federal identification number of the applicant.

(2) Complete permanent home and local address of applicant, together with telephone numbers.

(3) Name and address of the organization or person for whom canvassing or soliciting is being made, together with telephone numbers.

(4) Description of the nature of the business or activity and the goods, services or wares to be sold.

(5) Two recent photographs of the applicant, which shall be approximately 2 1/2 inches by 2 1/2 inches in size and showing the head and shoulders of the applicant in a clear and distinguishing manner.

(6) The days and dates upon which canvassing or soliciting is to take place.

(7) A statement as to whether or not the applicant has been convicted of a crime, misdemeanor or disorderly persons offense and, if so, the details thereof.

(8) The make, model, year, color and license plate number of such vehicle used by the applicant during the period of canvassing or soliciting within the Township and the number of the applicant's driver's license and the state in which it is issued.

(9) The name and address of the insurance carrier and insurance policy number with respect to such vehicle or vehicles.

(10) A list of municipalities where the applicant has ever engaged in the activities of canvassing, peddling or soliciting, whether or not a permit was applied for or received in connection therewith.

(11) A statement as to whether or not the applicant has been denied a canvassing, peddling or soliciting permit and whether such permit or license has ever been revoked.

(12) If the applicant is not an individual, the state in which it is registered or incorporated and the name and address of the registered agent.

(13) If the person applying is unable to provide any of the foregoing information, an explanation shall be provided of the reasons why such information is unavailable.

(14) Applications of corporations, partnerships or other entities shall have attached to their applications individual statements containing all of the information required by this subsection as to each employee or agent who shall engage in the licensed activity; said statements shall be signed and sworn to by each employee or agent and shall be treated, for investigation purposes, as separate applications to engage in a licensed activity. Applications by partnerships, corporations or other entities shall be signed by an authorized representative of the corporation, partnership or entity.

(15) All applicants shall submit the original or a certified copy of a valid certificate of authority issued by the Director of the New Jersey Division of Taxation, pursuant to N.J.S.A. 54:32B-15, empowering the vendor to collect sales tax. Certificates shall not be required for the sale of property exempted from sales and use taxation pursuant to N.J.S.A. 54:32B-8.2. All vendors shall attach the original certificate to their cart, stand, truck or other merchandising device, as required by N.J.S.A. 54:32B-15.

(16) All applicants selling food items for immediate consumption shall submit a copy of the Board of Health license described in §267-10T.

B. For transient merchants.

(1) Name, age, physical description and social security or federal identification number of the applicant.

(2) Complete permanent home and local address of applicant, together with telephone numbers.

(3) Description of the nature of the business or activity, including the average quantity, kind and value of the property to be sold.

(4) Two recent photographs of the applicant, which shall be approximately 2 1/2 inches by 2 1/2 inches in size and showing the head and shoulders of the applicant in a clear and distinguishing manner.

(5) The dates during which the business is to be conducted.

(6) The location from which the business will be conducted, which must be a permanent building located in accordance with Chapter 215, Land Development, of this Code.

(7) The name and address of the person from whom the goods making up the stock were or are to be purchased by the applicant.

(8) A statement as to whether or not the applicant has been convicted of a crime, misdemeanor or disorderly persons offense and, if so, the details thereof.

(9) A list of municipalities where the applicant has ever engaged in transient merchandising, whether or not a permit was applied for or received in connection therewith.

(10) A statement as to whether the applicant has ever been denied or had revoked a transient merchant's license or permit.

(11) A bond in an amount equal to 25% of the value of the personal property shown in the disclosures required by Subsection B(3) above but in no event less than \$1,000. The bond shall be in effect for a period of one year from the date of license issuance, shall indemnify and pay the Township of Ewing any penalties or costs incurred

in the enforcement of this section and the purchaser of personal property a sum equal to at least the amount of any payment such purchaser may have been induced to make through the misrepresentation of the applicant, its agents, servants or employees. The bond shall be in a form approved by the Township Attorney.

(12) An instrument in accordance with N.J.S.A. 45:24-6 appointing the Clerk as the applicant's true and lawful agent.

(13) If the applicant is not an individual, the state in which it is registered or incorporated and the name and address of the registered agent.

(14) If the person applying is unable to provide any of the foregoing information, an explanation shall be provided of the reasons why such information is unavailable.

(15) Applications of corporations, partnerships or other entities shall have attached thereto individual statements containing all of the information required by this subsection as to each employee or agent who shall engage in the licensed activity, and said statements shall be signed by each employee or agent. Applications by partnerships, corporations or other entities shall be signed by an authorized representative of the corporation, partnership or entity.

(16) All transient merchants are subject to the statutory requirements set forth in N.J.S.A. 45:24-1 et seq. and shall be subject to the penalties set forth therein in the event of a failure to comply with any of said requirements.

(17) All applicants shall submit the original or a certified copy of a valid certificate of authority issued by the Director of the New Jersey Division of Taxation, pursuant to N.J.S.A. 54:32B-15, empowering the vendor to collect sales tax. Certificates shall not be required for the sale of property exempted from sales and use taxation pursuant to N.J.S.A. 54:32B-8.2. All vendors shall attach the original certificate to their cart, stand, truck or other merchandising device, as required by N.J.S.A. 54:32B-15.

(18) All applicants selling food items for immediate consumption shall submit a copy of the Board of Health license described in § 267-10T.

C. For mobile retail food establishment.

(1) Name, age, physical description and social security or federal identification number of the applicant.

(2) Complete permanent home and local address of applicant, together with telephone numbers.

(3) Description of the nature of the food vending activity to be conducted.

(4) Two recent photographs of the applicant, which shall be approximately 2 ½ inches by 2 ½ inches in size and showing the head and shoulders of the applicant in a clear and distinguishing manner.

(5) The dates during which the business is to be conducted.

(6) A statement as to whether or not the applicant has been convicted of a crime, misdemeanor or disorderly persons offense and, if so, the details thereof.

(7) The make, model, year, color and license plate number of such vehicle used by the applicant during the period of canvassing or soliciting within the Township and the number of the applicant's driver's license and the state in which it is issued.

(8) The name and address of the insurance carrier and insurance policy number with respect to such vehicle or vehicles.

(9) A list of municipalities where the applicant has ever engaged in the activities of canvassing, peddling or soliciting, whether or not a permit was applied for or received in connection therewith.

(10) A statement as to whether or not the applicant has been denied a canvassing, peddling or soliciting permit and whether such permit or license has ever been revoked.

(11) If the applicant is not an individual, the state in which it is registered or incorporated and the name and address of the registered agent.

(12) If the person applying is unable to provide any of the foregoing information, an explanation shall be provided of the reasons why such information is unavailable.

(13) Applications of corporations, partnerships or other entities shall have attached to their applications individual statements containing all of the information required by this subsection as to each employee or agent who shall engage in the licensed activity; said statements shall be signed and sworn to by each employee or agent and shall be treated, for investigation purposes, as separate applications to engage in a licensed activity. Applications by partnerships, corporations or other entities shall be signed by an authorized representative of the corporation, partnership or entity.

(14) All applicants shall submit the original or a certified copy of a valid certificate of authority issued by the Director of the New Jersey Division of Taxation, pursuant to N.J.S.A. 54:32B-15, empowering the vendor to collect sales tax. Certificates shall not be required for the sale of property exempted from sales and use taxation pursuant to N.J.S.A. 54:32B-8.2. All vendors shall attach the original certificate to their cart, stand, truck or other merchandising device, as required by N.J.S.A. 54:32B-15.

(15) All applicants shall submit a copy of the Board of Health license described in § 267-10T.

§267-6. Approval or rejection of application. (no change)

A. Following the filing of a complete application and payment of the license fee as set forth in §267-11A with the Clerk, the Clerk shall forward a copy of the application to the Chief of Police, who shall within 30 days make such investigation, within the limits of the resources available to the Chief, which may include background checks, of the business responsibility and character of the applicant or any employee or agent who shall engage in the licensed activity, for protection of the public good.

B. If, as a result of such investigation, the character or business responsibility of the applicant or any employee or agent who shall engage in the licensed activity is found to be unsatisfactory, the Chief of Police shall endorse on such application the Chief's disapproval and the reasons therefor and return the application to the Clerk.

(1) Any determination by the Chief of Police that the application is unsatisfactory shall be based on one or more of the following findings with respect to the applicant:

- (a) Conviction of a crime involving moral turpitude.
- (b) Prior violation of a peddling or soliciting ordinance.
- (c) Previous fraudulent acts or conduct or convictions of disorderly persons offenses.
- (d) Record of breaches of solicitation contracts.
- (e) Fraud, misrepresentation or false statements contained in the application for license.

(2) In the absence of any such findings, the Chief of Police shall find the applicant satisfactory and shall endorse the application and return the application to the Clerk.

§267-7. Denial or issuance of license. (no change)

A. If the applicant or any employee or agent who shall engage in the licensed activity is found unsatisfactory by the Chief of Police who so endorses the application, the Clerk shall notify the applicant by mail that the application is disapproved and shall deny the issuance of the license. Such notice shall be mailed within five working days following the endorsement of disapproval by the Chief of Police.

B. If the application is found satisfactory by the Chief of Police, the Clerk shall issue a license addressed to the applicant to conduct the business applied for. Such license shall contain the signature of the issuing officer and shall show the name, address and photograph of the applicant, the type of business (peddler, solicitor, transient merchant) the applicant is licensed for, the kind of goods or services to be sold thereunder, the date of issue and the length of time the license shall be operative and the license number and any other identifying description of any vehicle in the activity licensed. A single license shall be issued to each applicant; a separate identification card, bearing the license number of the applicant, shall be issued to each employee or agent who is to engage in the licensed activity. A separate license fee shall be paid for each such identification card. The form of the license and identification card shall be at the discretion of the Clerk.

C. With respect to transient merchants, the license shall authorize the licensee to carry on the business only at the location indicated on the application; and a separate license shall be required for each separate place of business in which the occupation is carried on.

§267-8. Revocation of license. (no change)

A. Licenses may be revoked by the Chief of Police or designee, for any of the following causes:

(1) Fraud, misrepresentation or false statements contained in the application for license.

(2) Fraud, misrepresentation or false statements made in the course of carrying out activities pursuant to the license.

(3) Violation of any provisions of this chapter.

(4) Conviction of any crime involving moral turpitude.

(5) Conduct of the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or constitute a menace or disturbance to the residents of the Township.

B. Notice of revocation shall be personally communicated to the licensee, and thereafter it shall be unlawful for such person or any employees or agents to sell, offer for sale or distribute merchandise or services in the Township. The licensee shall be provided with a notice of a hearing before the Chief of Police or designee, if requested, which notice shall be in writing, setting forth the grounds of the complaint and the time and place of the hearing. The notice shall be served personally upon the licensee or mailed, postage prepaid, to the licensee's address as given by the licensee in making the application, at least five days prior to the date set for the hearing and no more than five days after receipt by the Chief of Police or designee of the written request for a hearing.

§267-9. Appeal. (no change)

Any person aggrieved by the action of the Chief of Police or the Clerk in the denial of an application for a license, or in the decision with reference to revocation of a license, shall have the right to appeal to the Mayor. The Mayor shall not hear any appeal unless the applicant has first requested a hearing before the Chief of Police. Such appeal shall be taken by filing with the Clerk, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for a hearing on such appeal. The Mayor shall set a time and place for hearing such appeal, and notice of such hearing shall be given to the applicant. The decision of the Mayor on such appeal shall be final and conclusive.

§267-10. Unlawful acts.

It shall be unlawful for a person to:

A. Attempt to peddle or distribute merchandise or printed material, or solicit funds or canvass for information, without first providing identification as a peddler, solicitor or canvasser registered with the Township and displaying the identification card issued therefor.

B. Have exclusive right to any location on public property.

C. Enter or attempt to enter the land of any resident in the Township where such resident has posted a legible and reasonably prominent notice prohibiting such entry.

D. Refuse to leave a private dwelling or property after having been once requested to do so by the owner or occupant thereof.

E. Shout, cry out, blow a horn, ring a bell or use any sound making or amplifying device on any of the streets, parks or public places of the Township or upon private premises. Editor's Note: See also Ch. 240, Noise.

F. Distribute obscene merchandise or printed material or that which advocates unlawful conduct.

G. Litter the streets, public places or private property within the Township with any merchandise or printed material. Editor's Note: See also Ch. 224, Littering.

H. Station, place, set up or maintain a cart, wagon, motor vehicle or other vehicle, or allow it to remain on any sidewalk in such a way as would:

(1) Restrict, obstruct, interfere with or impede the pedestrians' right-of-way.

(2) Restrict, obstruct, interfere with or impede the ingress or egress from the abutting property.

(3) Create or become a nuisance.

(4) Increase traffic congestion or cause or increase traffic delay or hazard.

(5) Cause or create or constitute a danger to life, health or property.

I. Solicit or offer to sell or solicit except between the hours of 9:00 a.m. and 9:00 p.m.

J. Peddle using a cart of the dimensions of which exceed two feet in width, four feet in length and four feet in height, including wheel height, while conducting business on any sidewalk.

K. Use, set up, attach, place or permit the use of any table, crate, carton, rack, device or structure of any kind to increase the selling or display capacity of the peddler's cart.

L. Station, place, set up or maintain a peddler's cart or allow it to remain on any sidewalk if to do so would reduce the unobstructed pedestrian right-of-way to less than six feet. The Township Engineer may from time to time, by regulation, change the width of the pedestrian right-of-way space required, as circumstances require.

M. Engage in the business of peddling within 10 feet of any location where the curb has been depressed to facilitate pedestrian or vehicle movement.

N. Engage in the business of peddling on any sidewalk or along any street within 15 feet of any fire hydrant, crosswalk or driveway.

O. Station, place, set up or maintain a peddler's cart or goods against display windows of fixed location businesses, nor shall they be within 20 feet from an entranceway to any building, store, theater, library, school, museum, movie house, sports arena or other place of public assembly.

P. Engage in the business of peddling on any sidewalk or along any street within 10 feet from intersecting streets or sidewalks.

Q. Engage in the business of peddling within 30 feet of any location where another peddler is engaged in the business of peddling.

R. Engage in the business of selling at any location without giving a written receipt to each customer for any sale in excess of \$1. The receipt shall show clearly the seller's name, business address, license number, a description of the merchandise sold and the purchase price, and shall be sequentially numbered.

S. Engage in the business of peddling on any sidewalk or along any street within 90 feet of a bus stop. For purposes of this section, the words "bus stop" shall include the sidewalk and the adjoining street where there is a designated bus stop.

T. Sell food, drinks, ice cream, confections or other item for immediate consumption unless the peddlerperson provides for public use a litter receptacle, which shall be clearly marked and maintained for use by the peddler'sperson's patrons; nor shall any peddlerperson leave any location without first picking up, removing and disposing of any trash or refuse remaining from sales made by him; nor shall any person sell food, drinks, ice cream, confections or other food item for consumption without having first received any permit or license required by the Township or the Board of Health for food handling.

U. Leave any cart unattended at any time or place or leave the same overnight on any sidewalk.

§267-11. Fees; expiration of licenses; use of license. (no change)

A. The fees for licenses as set forth shall accompany the application and shall be as set forth in Chapter 172, Fees, for each person who is to engage in the licensed activity. All application fees to be charged for the issuance of permits are not as revenue but are charged for the purpose of covering the expenses of administering this chapter. Nonprofit organizations shall be exempt from the payment of licensing fees.

B. No license or identification card issued under the provisions of this chapter shall be used at any time by any person other than the one to whom it was issued.

C. Where an organization has several agents peddling, soliciting, distributing merchandise or printed material or services or canvassing, each agent shall pay the appropriate fee and shall be issued a separate identification card bearing the same license number as the entity with which they are associated.

D. All licenses shall expire on December 31 of the calendar year in which they are issued unless, by their terms, they expire prior to that time. With respect to transient merchants, the license shall expire no later than 180 days after its issuance.

§267-12. Exemptions. (no change)

A. This chapter shall not apply to the following:

(1) Federal census-takers and surveys taken pursuant to federal, state or local laws.

(2) The employees of any public utility which is subject to the regulation of the State Board of Public Utility Commissioners; provided, however, that such employees shall display the identification badge or card issued by the employer.

(3) Any person selling fruits and farm products grown by that person, with or without help from others.

(4) Any person engaged in the delivery of goods, wares or merchandise or other articles or things in the regular course of business to the premises or persons who had previously ordered the same or were entitled to receive the same by reason of prior agreement.

(5) Wholesale salespersons calling on businesses.

(6) School-age children of the Township of Ewing, including children peddling or soliciting for schools, school clubs and other similar organizations.

§267-13. Veterans and volunteer firefighters. (no change)

Any veteran or volunteer firefighter who holds a special license issued pursuant to N.J.S.A. 45:24-9 and 45:24-13 shall be exempt from the licensing provisions of this chapter with respect to peddlers and solicitors; provided, however, that such licensee shall notify the Chief of Police of the Township, in writing, prior to any soliciting or other activity within the Township, detailing the dates and approximate area in which the licensee intends to solicit, together with a description of the licensee's vehicle, license plate number, insurance carrier and insurance policy number. All the provisions of this chapter pertaining to transient merchants shall apply to such veterans and voluntary firefighters. Further, the veteran or volunteer firefighter shall include in the notification the license number, date of issue and county where issued. The regulations set forth in §267-10 shall apply to any veteran or volunteer firefighter who holds a special license pursuant to the statutory provisions cited in this section. Such licensees shall be subject to the cancellation and penalty provisions set forth in N.J.S.A. 45:24-13.

§267-14. Nonprofit organizations. (no change)

A. Every nonprofit organization, as defined under §267-2, may solicit in its name money, donations or financial assistance of any kind or design and may sell or distribute any item of literature or merchandise for which a fee is charged; provided, however, that such organizations procure from the Clerk a special permit and identification card for each agent or employee expected to solicit. Prior to the issuance of the aforesaid, there shall be filed a sworn application by such nonprofit organization with the Clerk. The provisions of this section shall not apply to organizations the primary purpose of which is to benefit the school-age children of the Township of Ewing, including but not limited to schools, school clubs and other similar organizations. Organizations required to file application for special permits under this section shall provide the following information on the application:

(1) Nature and anticipated duration of the canvassing or solicitation.

(2) Approximate number of persons who will be soliciting.

(3) Names and addresses and telephone numbers of persons in charge of such canvassing and solicitation within the organization.

(4) Full name and addresses of the organization on behalf of which such solicitation or canvassing is to be conducted.

(5) Names, to the extent known, of the persons who are expected to go from door to door to distribute material within the Township.

B. If the Clerk is satisfied that the application is truthful and that the organization is bona fide, the Clerk shall issue a special permit and identification cards without charge for the specified period. If the person applying is unable to provide any of the foregoing information, an explanation shall be provided of the reasons why such information is unavailable. The Clerk may refer the application to the Chief of Police for review.

C. The purpose of such application and permit requirement is to identify persons going door to door or distributing material in the Township to prevent dishonest solicitations of funds and to protect the maintenance of the safety and welfare of the inhabitants of the Township.

D. The general regulations set forth in § 267-10 shall apply.

§267-15. Political activities. (no change)

A. Any person engaged in any activity the purpose of which is to aid or promote the nomination, election or defeat of any candidate or candidates for elective office or to aid or promote the passage or defeat of any public question or Board of Education budget in any election or seeks to influence the content, introduction, passage or defeat of any legislation shall be exempt from the provisions of this chapter.

B. Persons who solicit funds, donations or membership fees in connection with the activities described in Subsection A shall be required to comply with the application and permit requirements set forth in §267-14.

§267-16. Violations and penalties. (no change)

A. Any person or any licensee who shall solicit or peddle within the Township in violation of any provision of this chapter shall be subject to the penalties provided for in Chapter 1, General Provisions, Article III, General Penalty.

B. Each violation of each section of this chapter shall be considered a separate offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 2.

§172-17. Peddling, soliciting and related activities.

A. Transient merchants/itinerant vendors:

(1) First month/180 days: \$1,000

(2) Each month thereafter, not to exceed an additional five consecutive months: \$500. See §267-5B(11) for additional bonding requirements.

B. Peddlers, and solicitors, and mobile retail food establishments:

(1) Annual license: \$75.250.

(2) Monthly license: \$15.

(3)(2) Weekly license: \$10.75.

(4)(3) Daily license: \$5.30.

Section 3. This Ordinance shall take effect as provided by law.

STATEMENT

This Ordinance amends the Revised General Municipal Ordinances of the Township of Ewing to amend Chapter 267, Peddling and Soliciting, and Chapter 172, Fees.

Mr. Murphy moved the ordinance for second reading, seconded by Ms. Hyser.

ROLL CALL

Mr. Baxter	YES
Ms. Hyser	YES
Mr. Murphy	YES
Mr. Summiel	YES
President Wollert	YES

3. The Clerk read (Ordinance #12R-07) 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 FIRE EQUIPMENT, TO THE 911 FUND, INC., A 501(c)(3) NON-PROFIT ORGANIZATION (2012)

WHEREAS, the Township Council determines that the following personal property owned by the Township, consisting of fire equipment is no longer needed for municipal purposes: (6) Cairns helmets; (12) sets Globe turnout gear; (8) pairs of boots; and (10) sets of Cairns turnout gear; and,

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 911 FUND, Inc. is an approved 501(c)(3) not-for-profit charity (federal tax ID #20-2057218) created in the aftermath of September 11th, 2001 and conceived by former members of the Fire Department of the City of New York (“FDNY”) to build preparedness, reduce risk, enhance civilian safety, and minimize property loss from fire and other types of disasters; and,

WHEREAS, pursuant to N.J.S.A. 40A:12-21(k), The 911 FUND, Inc. 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 fire equipment, which is no longer needed for municipal purposes: (6) Cairns helmets; (12) sets Globe turnout gear; (8) pairs of boots; and (10) sets of Cairns turnout gear shall be sold pursuant to N.J.S.A. 40A:12-21.1 and N.J.S.A. 40A:12-21(k) to The 911 FUND, Inc., which is an approved 501(c)(3) not-for-profit charity (federal tax ID #20-2057218) 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 fire equipment no longer needed for municipal purposes.

Mr. Summiel moved the ordinance for adoption seconded by Mr. Murphy.

ROLL CALL

Mr. Baxter	YES
Ms. Hyser	YES
Mr. Murphy	YES
Mr. Summiel	YES
President Wollert	YES

NEW BUSINESS

1. The Clerk read **(Resolution #12R-70) RESOLUTION TO CANCEL CERTAIN UNEXPENDED CAPITAL ORDINANCE \$54,518.95 BALANCES TO CAPITAL SURPLUS.**

Mr. Murphy moved the resolution, seconded by Mr. Baxter.

CFO Mustafa said this Ordinance is to cancel unexpected balances to close them out and to put them back into Capital Surplus.

ROLL CALL

Mr. Baxter	YES
Ms. Hyser	YES
Mr. Murphy	YES
Mr. Summiel	YES
President Wollert	YES

2. The Clerk read **(Resolution #12R-71) A RESOLUTION APPROVING CHANGE ORDER No. 3 FOR THE EWING SENIOR & COMMUNITY CENTER BOILER REPLACEMENT CONTRACT.**

Mr. Summiel moved the resolution, seconded by Mr. Baxter.

Administrator McManimon explained that the new boiler was installed in the Community Center this is the change order to fund the balance of the grant.

ROLL CALL

Mr. Baxter	YES
Ms. Hyser	YES
Mr. Murphy	YES
Mr. Summiel	YES
President Wollert	YES

3. The Clerk read **(Resolution #12R-72) A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ENTER INTO A HEALTH EDUCATION SERVICES AGREEMENT WITH HEALTH EDUCATION SERVICES FOR THE PROVISION OF HEALTH EDUCATION SERVICES TO THE EWING TOWNSHIP HEALTH DEPARTMENT.**

Mr. Baxter moved the resolution, seconded by Mr. Murphy.

Caroline Stewart (30 Gilmore Road) asked about the salary for these contracts, Administrator McManimon stated \$4500 & \$5000.

ROLL CALL

Mr. Baxter	YES
Ms. Hyser	YES
Mr. Murphy	YES
Mr. Summiel	YES
President Wollert	YES

4. The Clerk read a (Resolution #12R-73) A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO ENTER INTO A DIRECTOR OF PUBLIC HEALTH NURSING SERVICES AGREEMENT WITH SHAREN CLUGSTON, MSN, RN, BC FOR THE PROVISION OF PUBLIC HEALTH NURSING SERVICES TO THE EWING TOWNSHIP HEALTH DEPARTMENT.

Mr. Murphy moved the resolution, seconded by Ms. Hyser.

ROLL CALL

Mr. Baxter	YES
Ms. Hyser	YES
Mr. Murphy	YES
Mr. Summiel	YES
President Wollert	YES

5. The Clerk read (Resolution #12R-74) A RESOLUTION AWARDDING 2011 ROAD IMPROVEMENT PROGRAM (PHASE II) PROJECT TO MECO, INC. AND AUTHORIZING THE TOWNSHIP TO ENTER INTO AN AGREEMENT REGARDING SAME.

Mr. Murphy moved the resolution, seconded by Mr. Baxter.

Councilman Baxter asked how these streets are determined; Administrator McManimon explained that our Township Engineer came up with streets on the conditions to apply for the grant.

ROLL CALL

Mr. Baxter	YES
Ms. Hyser	YES
Mr. Murphy	YES
Mr. Summiel	YES
President Wollert	YES

6. The Clerk read a (Resolution #12R-75) A RESOLUTION APPOINTING VIRGINIA FRANCO AS ACTING REGISTRAR OF VITAL STATISTICS

Mr. Murphy moved the resolution, seconded by Ms. Hyser.

ROLL CALL

Mr. Baxter	YES
Ms. Hyser	YES
Mr. Murphy	YES
Mr. Summiel	YES
President Wollert	YES

Public Hearing on HUD Grant

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC MEETING.

Mr. Murphy moved to Open the Public Hearing, seconded by Mr. Summiel.

Ted Forst- stated that this is an allocation to close the court yard so we can hold more events and to facilitate more meetings. This list you have was obtained by meeting with all the organizations that meet there in priority order. HVAC units for the Community Room and it will provide some heat. It will allow the Senior Women to have a lounge area. They are also replacing the air conditioning units in the dance studio, they are worn out and need to be replaced, putting a heating system in as well so this can be used year round.

Councilman Baxter asked about the kitchen area. Administrator McManimon responded that full kitchen services are at the Hollowbrook Community Center and that's where they want to keep it instead of having competing kitchens. Councilman Summiel had some concerns why the area restricted to seniors. Sandy Stark explained it's not restricted to seniors and they would need to propose another program project, that where the need has been and wouldn't have to be income verified. Mr. Summiel said he raising these questions about roof repair and when doing that why is one patch good enough when is used by seniors and he doesn't understand why we can't do something to consolidate to repair the roof. Sandy Stark stated that everybody that uses it has to income verified and she knows that everybody isn't mod-low income people. Mr. Summiel stated that the roof shouldn't have been patched because it's a waste why not replace the whole roof. Sandy Stark stated that its healthy getting whole roof done but the grant won't pay for it.

Mildred Russell (119 King Ave) asked about low income and does it have to be one person or a group of people, Sandy Stark stated it has to be a group of people. Charles Green (979 Bear Tavern Rd) questioned is there a program administration set up that's income qualified people can qualify He also asked are there a set of microwaves in these senior facilities, Administrator McManimon explained.

Ms. Hyser made a motion to close the Public Hearing, seconded by Mr. Murphy.

Councilman Murphy asked that 3 ordinances be drafted; one for curfew, the second for athletic scoring equipment in the street and for taxing non-profits that buy pieces of land in our town.

ADJOURNMENT

There being no further business President Wollert called for a motion to adjourn. Mr. Murphy so moved seconded by Mr. Baxter. The meeting was adjourned at 9:39 p.m.

Kathleen Wollert, President

Keysha Preston, Deputy Clerk