

AGENDA SESSION 1-26-16

President Schroth called the meeting to order at 6:30 p.m. and read the Open Public Meeting 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 4th day of January, 2016.

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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| ▪ Mr. Baxter – absent | Administrator McManimon |
| ▪ Ms. Keyes-Maloney – absent | Attorney Cannon |
| ▪ Ms. Steward – present | Clerk Macellaro |
| ▪ Ms. Wollert – present | |
| ▪ President Schroth - present | |

DISCUSSION

1. **CONSIDERATION OF AN APPLICATION FOR A WAIVER FROM THE PROHIBITION OF TWO LICENSEES BEING WITHIN 1,000 FT. OF ONE ANOTHER.**

President Schroth said that this is an application by some folks to operate a liquor store in the Glen Roc Shopping Center and it is within 1,000 feet of the Metro Grill. Attorney Cannon pointed out for the record that section 91-7 regulates distance between premises and says that no two licenses can be within 1,000 feet however a licensee can apply for a waiver if they satisfy the seven criteria that are listed in the Ordinance. President Schroth asked about the seven criteria and asked if they are just factors for their consideration in evaluating this. Attorney Cannon said yes. President Schroth said that in this case we do have a number of schools or enterprises that would attract and involve children. He said we have a dance studio across the street, there is the Goddard School and a martial arts studio across the street as well. President Schroth pointed out that there is no natural barrier separating the two establishments. He asked the actual distance between the two premises. Administrator McManimon said that it is less than 1,000 feet. Ms. Wollert asked of the establishments in our town and how many have been granted waivers in the past. Attorney Cannon said that the issue is not the distance but the proximity. She also said that this waiver is a fairly new provision and before that it was 1,000 feet. She further stated that the issue is also changing the character of the particular location. This particular establishment, she continued, would have to operate 15% of its space as a bar. President Schroth asked if there were any other questions. There were none.

2. **AN ORDINANCE AUTHORIZING THE EXECUTION OF A RIGHT OF WAY AND DRAINAGE EASEMENT AGREEMENT, AMENDING AN EXISTING DRAINAGE EASEMENT AND ACCEPTING A DRAINAGE AND RIGHT-OF-WAY EASEMENT**

Attorney Cannon explained that this comes to you by the Way of the Cross Church, which is new construction and the D&R Canal Authority told them that they have to revise their drainage on site to accommodate the concerns of the commission. To do so, they then needed to encroach the township's right of way. That is the purpose of this Ordinance. She further stated that the township will not be responsible for the drainage facilities and will not maintain them or operate them. President Schroth asked for questions from Council or the public. There were none.

3. AN ORDINANCE AMENDING THE REVISED GENERAL MUNICIPAL ORDINANCES OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, TO PROVIDE FOR A STREET OPENING MORATORIUM AND TO OTHERWISE REGULATE AND RESTRICT STREET OPENINGS IN THE TOWNSHIP

Attorney Cannon explained that this is a new Ordinance and it is in response to concerns that when the Township paves a street, some PSE&G or Trenton Water Works or private developers come along and open the street up and then just leave it uneven. This would require that within 5 years of the street being repaved, anyone who wants to apply to open the street has to then restore it back to its original character. It requires the posting of a bond. If the street is not restored, then the township would keep the bond. Administrator McManimon said that sometimes we do not even know that the utility companies are coming in. This way they will have to come in and get a permit and that will let us know that they will be opening the street. Some do a good job and some do a very poor job. President Schroth asked if any of our neighboring towns have enacted an Ordinance such as this. Attorney Cannon responded that we modeled this Ordinance after a town in North Jersey. There were no questions from Council or the public.

4. A RESOLUTION AUTHORIZING CY2015 RESERVE BUDGET TRANSFERS

CFO Mustafa explained that this is a routine practice. She further explained that by Statute we can transfer into last years' budget in the first three months of this year. This is basically for any accounts that need additional funds. There were no questions from Council or the public.

5. A RESOLUTION AUTHORIZING TAX ASSESSOR TO ACT AS AGENT FOR TOWNSHIP OF EWING FOR THE PURPOSE OF FILING AND SETTLING TAX APPEALS ON BEHALF OF THE TAXING DISTRICT FOR THE TAX YEAR 2016

President Schroth explained that this is something we have done in the past and is fairly routine. Attorney Cannon explained that this makes the Assessor's life so much easier because there are a small number of appeals that are well within his discretion to resolve.

There were no questions from Council or the public.

BILLS LIST

The bills list was presented for review.

- 1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$1,924,269.76 and to Pay Supplemental Bills per Resolution #16R-13 in the Amount of \$239,172.39**

There were no questions from members of Council or the public.

CONSENT AGENDA

The Council President reviewed the Consent Agenda.

- 1. A Resolution Authorizing the Conduct of an Off-Premise Merchandise Raffle Sponsored by Credit Union of New Jersey Foundation, Inc.**

There were no questions from members of Council or the public.

ORDINANCE(S) FOR FIRST READING AND INTRODUCTION

(None for this meeting)

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

1. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, REGULATING PRIVATE STORM DRAIN INLETS

Attorney Cannon explained that this Ordinance is actually an extension of an Ordinance passed a number of years ago. It is a DEP requirement that all public storm drain fixtures be upgraded with a certain type of grading and other requirements and now they are extending those requirements to private storm drain facilities. There were no questions from Council or the public.

2. AN ORDINANCE AMENDING THE REVISED GENERAL MUNICIPAL ORDINANCES OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, TO PROVIDE FOR TWO HOUR PARKING ON THE PRIVATE STREETS AND PARKING AREAS WITHIN THE COLLEGE OF NEW JERSEY CAMPUS TOWN DEVELOPMENT

President Schroth explained that this is an Ordinance that was advocated by The College of New Jersey to address parking on the newly constructed Campus Town setting parking limits. Attorney Cannon further explained that there are 253 parking spots and the employees of the vendors within Campus Town will have placards. There were no questions from the Council. Ron Prykanowski (16 Thurston Avenue) commented that if you think it is a problem now, multiply that factor by ten times and transpose it over to General Motors because you are going to have the same set of problems there. He spoke about the problems with having residency above restaurants. He said he hoped that the Council would direct the Planning Board to take those concerns into consideration. There were no other questions.

NEW BUSINESS

COMMISSION & COMMITTEE REPORTS FROM MEMBERS OF COUNCIL

Ms. Wollert said that the Seniors had their first luncheon of the year and Bob Smith played Oldies and it was very well attended. She said they are going to be doing one a month of the special luncheons along with their regular programs. All the clubs are up and operational

Ms. Steward commented that the Green Team meets tomorrow.

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

There were no comments

CLOSED SESSION

ADJOURNMENT

There being no further business, President Schroth asked for a motion to adjourn. Ms. Steward so moved seconded by Ms. Wollert. The meeting was adjourned at 6:53 p.m.

David Schroth, President

Kim J. Macellaro, Municipal Clerk