

February 9, 2016 - REGULAR SESSION

President Schroth called the meeting to order at 8:16 p.m. and the Clerk led everyone in prayer and the flag salute.

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.

President Schroth 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 4th day of January, 2016.

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THE PUBLIC WILL HAVE AN OPPORTUNITY TO ADDRESS THE COUNCIL DURING THE “STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC” SEGMENT OF THE MEETING. MEMBERS OF THE PUBLIC ARE REQUESTED TO SIGN IN ON SHEET PROVIDED IN THE FRONT OF THE ROOM. ALL QUESTIONS AND COMMENTS FROM THE PUBLIC WILL BE DIRECTED TO THE COUNCIL PRESIDENT. WHEN ADDRESSING THE COUNCIL, PLEASE GIVE YOUR NAME AND YOUR ADDRESS.

THE COUNCIL INVITES AND ENCOURAGES PARTICIPATION BY THE PUBLIC IN ITS MEETINGS, HOWEVER A MEMBER OF THE PUBLIC MAY UTILIZE FIVE MINUTES OF TIME FOR REMARKS AND QUESTIONS, UNLESS OTHERWISE ENGAGED IN A DIALOGUE WITH A MEMBER OF THE COUNCIL, ANY FURTHER REMARKS OR QUESTIONS BEYOND THE TIME LIMIT MUST BE AUTHORIZED BY THE PRESIDENT OF THE COUNCIL.

ROLL CALL

- | | |
|-------------------------------|------------------------------|
| ▪ Mr. Baxter – present | Jim McManimon, Administrator |
| ▪ Ms. Keyes-Maloney – present | Maeve Cannon, Attorney |
| ▪ Ms. Steward – present | Joanna Mustafa, CFO |
| ▪ Ms. Wollert – present | Kim Macellaro, Clerk |
| ▪ President Schroth - present | |

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

There were no comments

BILLS LIST

1. The Clerk Read **(Resolution #16R-30)** A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$5,712,384.34 and to Pay Supplemental Bills per Resolution #16R-13 in the Amount of \$86,115.01

There were no questions from Council or the public and President Schroth asked for a motion to approve the bills list. Councilwoman Keyes-Maloney then moved the Resolution, seconded by Councilman Baxter.

ROLL CALL

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

CONSENT AGENDA

The Clerk read the Consent Agenda: **(Resolution #16R-31)**

1. Approval of Agenda Session Minutes for April 28, 2015, June 9, 2015, June 23, 2015; Approval of Regular Session Minutes for April 28, 2015, June 9, 2015, June 23, 2015
2. A Resolution Authorizing Tiburon Endurance Sports, Inc. to Hold a River Horse 6K on April 16, 2016
3. A Resolution to Cancel and Void the Tax Sale Certificate 15-509; Block 320 Lot 14 CA-5; Address 795 Parkway Ave #5; Certificate Amount to Cancel \$2,176.12
4. A Resolution to Cancel and Void the Tax Sale Certificate 15-157; Block 126 Lot 538; Address 102 Groveland Ave.; Refund Amount \$998.14; Payable to: US Bank Cust/PC6, LLC, Sterling Ntl, Tax Lien Services Group, 50 South 16th Street, Suite 2050, Philadelphia PA 19102

There were no questions from Council or the public and President Schroth asked for a motion on the Consent Agenda. Councilwoman Steward moved the Resolution, seconded by Councilwoman Wollert

ROLL CALL

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|-------------------|-----|-----|
| Ms. Wollert | YES | |
| Ms. Steward | YES | |
| Mr. Baxter | YES | |
| Ms. Keyes-Maloney | | YES |
| President Schroth | | 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 #16-03)** AN ORDINANCE AUTHORIZING THE EXECUTION OF A RIGHTS OF WAY AND DRAINAGE EASEMENT AGREEMENT, AMENDING AN EXISTING DRAINAGE EASEMENT AND ACCEPTING A DRAINAGE AND RIGHT-OF-WAY EASEMENT

President Schroth explained that as discussed during the Agenda Session this is an Ordinance granting an easement for a local church here in the township, however they remain responsible for any issues with regard to that drainage facilities. Maeve Cannon explained that it is for the Way of the Cross Church to encroach in a township right-of-way location. The township is permitting the easement however they will not be assuming responsibility for the drainage facility. Mr. Baxter asked what the physical address is of this property. Administrator McManimon responded that it is back by Princess Diana Drive off of Calhoun. He further said it fronts on Heath and backs on Princess Diana Drive. There were no other questions.

Ms. Keyes-Maloney made a motion to open the public hearing, seconded by Ms. Steward. It was agreed by a unanimous voice vote. There being no comment, Ms. Wollert made a motion to close the public hearing, seconded by Mr. Baxter. It was agreed by a unanimous voice vote.

President Schroth asked for a motion to adopt the Ordinance. Ms. Keyes-Maloney made a motion to adopt the ordinance, seconded by Ms. Wollert

ROLL CALL

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

- The Clerk read **(Ordinance #16-04) 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**

President Schroth said that as discussed during the Agenda Session this is an Ordinance governing the handling of opening of roadways for repairs of pipes and infrastructure and creating responsibility to those who open it to restore it back to its original state. Attorney Cannon stated that once the township does work on the road they will have to come in and show good reason to open the roadway. Administrator McManimon said that our counselor drafted a notice to all the utilities so that they are informed. He further said that emergencies are different but they still need to notify us.

Ms. Steward made a motion to open the public hearing, seconded by Mr. Baxter. It was agreed by a unanimous voice vote. There being no comment, Mr. Baxter made a motion to close the public hearing, seconded by Ms. Keyes-Maloney.

President Schroth asked for a motion to adopt the Ordinance. Ms. Steward made a motion to adopt the ordinance, seconded by Ms. Keyes-Maloney.

ROLL CALL

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|-------------------|-----|------|
| Ms. Keyes-Maloney | YES | |
| Ms. Steward | YES | |
| Mr. Baxter | YES | - he |

commented that he thanked the Administration and Counsel for looking into this issue and he hoped it would provide what we hope it will.

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| Ms. Wollert | YES | |
| President Schroth | | YES |

NEW BUSINESS

- The Clerk read **(Resolution #16R-32) A RESOLUTION APPROVING A PLACE-TO-PLACE TRANSFER (EXPANSION OF PREMISES) FOR H.K. LIQUORS, 1784 N. OLDEN AVENUE, EWING, NJ 08638 (LICENSE NO. 1102-33-012-006)**

Attorney Cannon stated that the resolution in your packet will be amended to include a provision that provides that the applicant will come back to Council prior to the use of the extended premises for any other purpose other than storage and that the use of the extended premise only shall be a condition of the license and that successive license renewals will continue to carry this condition. President Schroth asked if there were any questions from Council on the amended Resolution. There were none. President Schroth asked for a motion on the resolution, as amended.

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

ROLL CALL

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|--------------------|-----|-----|
| Mr. Baxter | YES | |
| Ms. Keyes-Malaoney | YES | |
| Ms. Steward | YES | |
| Ms. Wollert | | YES |
| President Schroth | | YES |

- The Clerk read **(Resolution #16R-33) A RESOLUTION APPROVING A TITLE VI PROGRAM FOR THE TOWNSHIP OF EWING**

There were no questions from Council or the public.

Ms. Steward then moved the Resolution seconded by Ms. Wollert

ROLL CALL

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

- The Clerk read **(Resolution #16R-34) A RESOLUTION AWARDDING CONTRACT FOR PROSPECT HEIGHTS FIRE COMPANY EMERGENCY GENERATOR TO BAUER GEN SYSTEMS LLC IN THE AMOUNT OF \$97,300.00**

There were no questions from Council or the public.

Ms. Wollert then moved the Resolution seconded by Ms. Keyes-Maloney

ROLL CALL

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

- The Clerk read **(Resolution #16R-35) A RESOLUTION APPROVING CHANGE ORDER NO. 1 FINAL TO MTB, LLC FOR THE ESCC PHASE 3 ROOF REPLACEMENT**

There were no questions from Council or the public.

Ms. Steward then moved the Resolution seconded by Mr. Baxter

ROLL CALL

| | |
|-------------------|-----|
| Mr. Baxter | YES |
| Ms. Steward | YES |
| Ms. Keyes-Maloney | YES |

Ms. Wollert YES
President Schroth YES

5. The Clerk read (Resolution #16R-36) A RESOLUTION AUTHORIZING THE APPLICATION FOR “PARTNERING FOR THE RESTORATION OF THE COMMUNITY FOREST: THE 3P PLAN, PARTNERSHIPS-PLAN- PLANTING,” A SUSTAINABLE JERSEY GRANT BY THE EWING TOWNSHIP SUSTAINABLE GREEN TEAM

There were no questions from Council or the public.

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

ROLL CALL

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

At this time there was a walk on item #6. Attorney Cannon explained that the application from KKDP, Inc. is in your packet for consideration to grant a waiver of the 1,000 feet exception. She stated the criteria that is being taken into consideration. She further stated that there is an application before you for consideration and Council also has two resolutions in their packet – one approving and one disapproving the exception. She said that Council can entertain either approving or disapproving the proposed application. Ms. Keyes-Maloney said that in light of the record put forth by the applicant as well as the criteria, this is a very limited exception, but she believes in her own estimation that the applicant does satisfy the criteria of the exception and that the unique use within the 1,000 feet is associated with a restaurant in comparison to a tavern and this would offer it more as a tavern/package good store and she is inclined to consider approving the application. President Schroth stated that the restaurant sells no packaged goods. Ms. Wollert encouraged support of this particular issue because they almost meet the 1,000 feet limit. There are no other package goods stores within a couple of miles. There is no public use, it’s in a strip mall; the owners of the Metro Grill have no issues with this and she hasn’t heard that our police department has an issue with it. She believes that they have satisfied the requirements set forth. Mr. Baxter said that for the record, when we first visited this issue, in regards to the exception clause, he was against it and voted no for that clause to be instituted. He further said that hearing the testimony and mainly because the Metro Grill has no problem with them being there, he thinks they would have a vibrant business and he will go along with the exception.

A RESOLUTION GRANTING EXCEPTION FROM THE 1000 FOOT DISTANCE REQUIREMENT FOR ALCOHOLIC BEVERAGE LICENSES PURSUANT TO CHAPTER 91 OF THE EWING TOWNSHIP CODE

Ms. Keyes-Maloney made a motion to grant the exception, seconded by Ms. Wollert.

ROLL CALL

Ms. Wollert YES
Ms. Keyes-Maloney YES
Mr. Baxter YES
Ms. Steward NO
President Schroth YES

ADJOURNMENT

There being no further business President Schroth called for a motion to adjourn. Mr. Baxter so moved seconded by Ms. Steward. The meeting was adjourned at 8:35 p.m.