

June 11, 2019 – AGENDA SESSION

President Baxter 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 2nd day of January 2019.

THE PUBLIC WILL HAVE AN OPPORTUNITY TO ADDRESS THE COUNCIL DURING THE “STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC” SEGMENT OF THE MEETING. A MEMBER OF THE PUBLIC MAY SIGN IN ON THE SHEET AT THE FRONT OF THE ROOM AND UTILIZE FIVE MINUTES OF TIME FOR REMARKS AND QUESTIONS. ALL QUESTIONS SHOULD BE DIRECTED TO THE COUNCIL PRESIDENT. WHEN ADDRESSING THE COUNCIL, PLEASE GIVE YOUR NAME AND ADDRESS.

ROLL CALL

- | | |
|-------------------------------|------------------------------------|
| ▪ Ms. Keyes-Maloney – Present | Jim McManimon, Administrator |
| ▪ Mr. Schroth – Present | Michael Cedrone, Attorney |
| ▪ Ms. Steward – Present | Susan Bate, Deputy Municipal Clerk |
| ▪ Ms. Wollert – Present | |
| ▪ President Baxter – Present | |

DISCUSSION

1. A RESOLUTION OF THE TOWNSHIP OF EWING AUTHORIZING THE PURCHASE OF ENERGY GENERATION SERVICES

The Administrator explained that the auction was held this morning for either fourteen or twenty-four months. The company the Township gave the business to a couple of years ago went out of business so it had to be rebid. The auction saved the Township \$8,500. Council has a copy of everything. Five companies bid. It is over fourteen months so it will mature the same time as the other. This one is for electrical. Vice President Keyes-Maloney commented that it is an interesting and efficient way to procure energy services and thanked the Clerk’s Office for providing both the copy of the contract and background emails.

The Administrator added that when the other company went bankrupt, the rate automatically defaulted back to the PSE&G rate. Over the fourteen months it would be about \$103,000; whereas the company’s rate brings it down to \$95,000. That is the savings differential.

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

2. A RESOLUTION AMENDING THE TOWNSHIP OF EWING PERSONNEL POLICY AND PROCEDURE MANUAL & HANDBOOK, SECTION 1.7, DRUGS AND ALCOHOL POLICY

The Administrator explained that now that medical marijuana is legal in the state, the Township must have a policy on the books to address it. The Township consulted Mr. Cedrone who helped draft this. There was one employee who has since passed on. The Township has to be in position should there be more going forward. The entire policy is being reviewed and something may be brought before Council later this year; but something needs to be in place.

President Baxter commented about supervisors being the determining factor if they noticed something.

The Attorney responded that these are provisions in the existing employee policy. No amendments were made to that portion of the employee manual. Based on the ongoing review, it was thought that the simplest thing to do at this time, is just to add the one medical marijuana provision and then when the policy review is complete, Council may see that a lot of these provisions are revised.

The Administrator added – or recommended.

The Administrator explained that an employee is required to inform HR if they have a prescription or anything else that will prevent them from doing their job. If an employee has this prescription, they cannot operate a vehicle or machinery. However, the Township can make accommodations, if it can.

President Baxter asked what type of training or certification do supervisors need to be able to determine if somebody needs to be accommodated.

The Administrator replied that the employee does not tell their supervisor if they have a medical marijuana prescription, but HR. The Administration will then inform the supervisor that that person cannot operate equipment or drive.

President Baxter asked the Administrator, if a supervisor suspects that an employee is under the influence of a controlled substance, does the supervisor report that to HR or to him.

The Administrator replied – to him and then the Administration would address it with the employee if the Administration did not know about it.

Councilwoman Steward said that what Mr. Baxter is pointing out is that there is a little bit of a conflict in the existing policy because one part says that an employee can be immediately suspended if a supervisor has a suspicion and then further down, it says that a second supervisor will come in and the Administrator makes the decision. The Administrator responded that the entire policy is under review. The Attorney is almost done. The Township just needs something on the books for medical marijuana. Every employee has the same right. If you have an accident driving a Township vehicle, you automatically get tested. If you test positive, there is a step process for discipline.

President Baxter asked, if 0.04 is considered as “under the influence,” is that standard.

The Attorney replied that that is part of the existing policy.

President Baxter asked if that is something the Township can lower or is it standard.

Vice President Keyes-Maloney added that this has to do with the limits under CDL. The distinction, in terms of the general drugs and alcohol policy, is that if it is a medical marijuana case, then the Township would allow an accommodation. And that accommodation needs to be worked out between HR and the employee. The Supervisor would be notified of the accommodation once it is granted but would not know the reason because of HIPAA laws.

Councilwoman Wollert said that there is a process in place right now if an employee has a prescription for medical marijuana – the employee is supposed to notify HR.

The Administrator said that that was never put in writing.

Councilwoman Wollert replied that she understood that. But, if the Township is revamping the entire policy, then maybe the Township should just wait for the new policy.

The Administrator then informed Council that he has a summer employee that he has to deal with which is why the Administration has asked for something to be put in place. Right now there is no policy in place for someone to refer to since medical marijuana became legal.

Councilwoman Wollert says that she understands that. But since the entire personnel manual is being redone, why not just do it once, do it right and get the entire thing cleaned up. There was an informal process with that other employee and added that she would guess that there would be something in state law that would govern this.

Vice President Keyes-Maloney commented that the challenge with medical marijuana is related to the difference between federal and state law. Putting it into the employee manual crystallizes the Township’s rules of engagement around it. The Vice President asked if the employee would authorize the conversation with the healthcare provider. The Attorney replied, if necessary. But, it is unclear as to how often that would actually be needed.

The Administrator mentioned that there would not be this conversation without that potential summer employee presenting their medical marijuana card at the physical. The Administrator added that he wanted to go into Closed Session but was told by the Attorney that he could not.

The Attorney said - that is correct.

President Baxter added that he was told the same thing and then said that he can see that the Township is moving in the right direction. Laws are changing. Let’s get this started and get something on the books. The Council President said that he is always a proponent of trying to make sure that the Township has employment for all people. If this is something that would prohibit someone from having a job, Council needs to go ahead and proceed.

The Attorney said that this is a general review of the entire manual; everything is not necessarily being revised.

President Baxter asked what is the timeline for this review.

The Attorney replied that he cannot give a clear date but the review is on the tail end. Sometime this year.

The Administrator added that he thought Council would want to review it before it is discussed. Some members of Council have been talking about reviewing the manual for years.

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

ALCOHOLIC BEVERAGE CONTROL MATTERS

1. A RESOLUTION AUTHORIZING THE APPROVAL FOR RENEWAL OF 2019-2020 EWING MUNICIPAL LIQUOR LICENSES

President Baxter said that the Clerk informed him that twenty-four licenses are being renewed plus two with special conditions. One of Amphora's (trading as Erini's) conditions - serving food or alcohol outside on the patio - is being removed. They have been compliant and the Township has not received any complaints from neighbors. They have been acting in good faith since Council put conditions on them; this is a good first step. HK's conditions will remain the same in terms of their storage space and they are not permitted to enlarge their bar. The Clerk also assured the Council President that the Police do not have any concerns regarding calls for service, these establishments have paid all of the necessary fees and they have their tax clearance certificates. Anyone that does not have their renewal, has until the next Council meeting - June 25th. After that date, there are steps that they can take through the State in order to maintain operations.

There were no questions or comments from Council. No members of the Public were present.

2. A RESOLUTION AUTHORIZING THE APPROVAL FOR RENEWAL OF 2019-2020 EWING MUNICIPAL LIQUOR LICENSE FOR HK, INC. t/a HK DISCOUNT LIQUORS WITH CONDITIONS (LICENSE NO. 1102-33-012-007)

President Baxter said that HK's conditions were just discussed.

There were no questions or comments from Council. No members of the Public were present.

3. A RESOLUTION AUTHORIZING THE APPROVAL FOR RENEWAL OF 2019-2020 EWING MUNICIPAL LIQUOR LICENSE FOR AMPHORA RESTAURANT, LLC t/a ERINI'S RESTAURANT WITH CONDITIONS

Council President Baxter said that the one condition - serving food outside - has been removed.

There were no questions or comments from Council. No members of the Public were present.

BILLS LIST

1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$258,587.34 and to Pay Supplemental Bills per Resolution #19R-16 in the Amount of \$9,938.51

There were no questions or comments from Council. No members of the Public were present.

CONSENT AGENDA

(None for this Meeting)

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 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**

The Council President said that this donates some of the Township's outdated fire equipment since it still has some use for fire companies in other parts of the world.

There were no questions or comments from Council. No members of the Public were present.

- 2. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 225, SECTION 48, SCHEDULE I: NO PARKING ANYTIME, TO PROHIBIT PARKING ON BOTH SIDES OF RANCHWOOD DRIVE FROM PARKWAY AVENUE TO A POINT SIXTY (60) FEET SOUTH OF PARKWAY AVENUE**

Council President Baxter said that this is Ranchwood Avenue. It will help maintain a wide berth for emergency vehicles. Public Works will put up a sign.

There were no questions or comments from Council. No members of the Public were present.

COMMISSION & COMMITTEE REPORTS FROM MEMBERS OF COUNCIL

Vice President Keyes-Maloney said that the Arts Commission had a joint meeting with the Green Team on creative placemaking and how they can encourage the Public to become engaged with the arts. It was a good conversation with lots of ideas. There was also an update on what the Commission already does; some members of the Public were not aware. The Vice President said that she missed the Recreation Board meeting last night but she has their report. The splash pad is moving along. Rain is the challenge. The earliest that it would be ready is mid-July. Councilwoman Keyes-Maloney added that the fields are definitely in use.

The Administrator added that the Township is trying to get the lights changed at Moody Park for both the basketball court and the hardball court but it has rained so much that the firetruck cannot get out there. They tried this afternoon, but it just sank into the ground. A dry spell is needed before the lights can be fixed.

Councilwoman Steward said that the Green Team submitted the application for Sustainable Jersey recertification. A crushing number of points were submitted so Councilwoman Steward feels confident that they will be recertified. The Ewing Garden Tour will be the weekend of June 22 and June 23 from 10:00 a.m. to 5:00 p.m. and Sunday Noon to 4:00 p.m. It starts at the Ewing Senior and Community Center. Tickets are \$10; you are given a map and then you can go around Town during those hours.

President Baxter said that he did not make last night's Planning Board meeting, but it is his understanding that they reviewed part of the Shade Tree Ordinance. It will come back before Council for final approval but it may be something Council may want to review prior to that. Council has been invited to the High School graduation on June 18th, 7:00 p.m. at the Cure Area. The Seniors' had a barbecue. It was something new and it was well-attended. Town & Gown is being reformulated. One issue is Green Lane. He and the Administration have been in discussions and have come to a partial solution. Signage and crosswalks will be put up.

The Administrator mentioned that Hopewell Township is in the process of hearings for the building of low income housing. One of the requirements for that project is a traffic light at Federal City and Bull Run Road. The meeting is next week and he hopes that all four groups - Hopewell, Ewing, Lawrence and Mercer County - can agree to pay for a light at that intersection.

The Administrator added that he believes that traffic will impact Federal City Road and perhaps even Bull Run the most. Federal City Road is already dealing with heavy truck traffic.

Councilman Schroth said that the Drug and Alcohol meeting is next week; the night of the High School graduation.
The Administrator added that they are behind us tonight planning for the post graduation party.

There were no additional Commission and Committee Reports from Members of Council.
There were no additional announcements.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

No members of the Public were present.

CLOSED SESSION


(None for this Meeting)

ADJOURNMENT

There being no further business, President Baxter asked for a motion to adjourn. Mr. Schroth so moved seconded by Ms. Steward. It was agreed by unanimous voice vote. The meeting was adjourned at 7:02 p.m.



Kevin Baxter, President



Susan Bate, Deputy Municipal Clerk