

## December 13, 2016 – REGULAR SESSION

President Schroth called the meeting to order at 9:34 p.m. and read the Open Public Meetings Statement:

Almighty God who holds the fate of Man and Nation, we most humbly beseech thee to bless these deliberations, and these thy servants, that they may act with wisdom and understanding for the good of our community and thy greater glory. Amen.

### Flag Salute

The notice requirements provided for in the “Open Public Meetings Act” have been satisfied. Notice of this meeting was properly given in a notice which was transmitted to the Times of Trenton and the Trentonian, filed with the Clerk of the Township of Ewing and posted in the Ewing Township Municipal Complex, all on the 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

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

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

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

### BILLS LIST

1. The Clerk read (Resolution #16R-221) A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$691,827.94 and to Pay Supplemental Bills per Resolution #16R-13 in the Amount of \$53,472.12

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

### ROLL CALL

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

*All items listed under Consent Agenda are considered routine by the Township Council and will be enacted by one motion in the form listed below. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and considered separately. There will be one motion for all items listed.*

**CONSENT AGENDA**

The Clerk read the Consent Agenda: (Resolution #16R-222/)

1. Approval of Agenda Session Minutes for November 14, 2016; Approval of Regular Session Minutes for November 14, 2016
2. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$562.57 for November 1, 2016 fourth quarter taxes to Foran, William J. and Barbara, 9 Bedford Drive, Ewing, NJ 08628 for property owner Foran, William J. and Barbara for Block: 550 Lot: 12 also known as 9 Bedford Drive.
3. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$130.48 for October 1, 2016 second half sewer bill to Fentres, Cynthia, 20 Hastings Court, Ewing, NJ 08628 for property owner Fentres, Cynthia for Block: 588 Lot: 162 also known as 20 Hastings Court.
4. A Resolution Authorizing a Refund, as Recommended by the Tax Collector for Overpayment in the amount of \$457.90 for November 1, 2016 fourth quarter taxes to Winters, Krista M., 42 Rebecca Ct, Ewing, NJ 08628 for property owner Winters, Krista M. for Block: 419 Lot: 90 also known as 42 Rebecca Ct.

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

**ROLL CALL**

Mr. Baxter	YES
Ms. Wollert	YES
Ms. Keyes-Maloney	YES
Ms. Steward	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 #16-18) **ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY PROVIDING FOR THE CANCELLATION OF \$498,887.25 IN BOND PROCEEDS REMAINING UNSPENT NOT NEEDED FOR THEIR ORIGINAL PURPOSES AND TO TRANSFER SUCH PROCEEDS TO THE CAPITAL SURPLUS FUND FOR FUTURE CAPITAL PROJECTS**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

**Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that certain bond proceeds in the aggregate amount of \$498,887.25 provided for in the various**

**bond ordinances listed below and remaining unspent (the “Unspent Proceeds”) are no longer needed for the purposes referenced therein (the “Prior Projects”). The Township of Ewing, in the County of Mercer, New Jersey (the “Township”) desires, therefore, to cancel and transfer the following funded debt authorizations:**

<b>Ordinance and Section Number</b>	<b>Improvement Description and <u>Date of Adoption</u></b>	<b>Amount to be <u>Cancelled</u></b>
2012-13 Section 3(g)	<u>Sanitation Equipment</u> : Acquisition of trash trucks, finally adopted May 29, 2012.	\$604
2012-13 Section 3(i)	<u>Streets and Roads</u> : The Road Paving Program, finally adopted May 29, 2012.	\$407.60
2013-24 Section 3(c)	<u>Police Department</u> : Acquisition of unmarked sports utility vehicles, finally adopted June 25, 2013.	\$92.74
2013-24 Section 3(d)	<u>Ewing Senior/Community Center</u> : Acquisition and installation of swimming pool shades, finally adopted June 25, 2013.	\$17,317.32
2013-24 Section 3(e)	<u>Hollowbrook Community Center</u> : General renovations, finally adopted June 25, 2013.	\$15,288.61
2014-06 Section 3(b)	<u>Public Health</u> : Acquisition of an animal control van, finally adopted May 27, 2014.	\$4,878.98
2014-06 Section 3(c)	<u>Police Department</u> : Acquisition of fully equipped 4X4 sports utility vehicles, finally adopted May 27, 2014.	\$956.30
2014-06 Section 3(d)	<u>Parks/Recreation</u> : Various improvements and the acquisition of equipment, including renovations to Ewing Senior Community Center tennis courts and improvements to Moody basketball and tennis courts and the acquisition of a landscape rake, finally adopted May 27, 2014.	\$98,237.10
2014-06 Section 3(f)	<u>Pennington Road Fire Company</u> : Self-contained breathing apparatus upgrades, finally adopted May 27, 2014.	\$40,000
2015-16 Section 3(a)	<u>Health Department/Animal Shelter</u> : Acquisition and installation of a shed, finally adopted June 9, 2015.	\$12,587.21
2015-16 Section 3(c)	<u>Community Affairs</u> : Various improvements, including repairs to the pool filter, Hollowbrook Community Center and the gym’s overhead door and the replacement of lights in the gym, finally adopted June 9, 2015.	\$3,106.61
2015-16 Section 3(g)	<u>Information Technology</u> : Acquisition of Tahoe and computers, finally adopted June 9, 2015.	\$1,644.11
2015-16 Section 3(n)	<u>Career Fire Fighters</u> : Acquisition of various equipment, including turn out gear, personal protective equipment and a charger, finally adopted June 9, 2015.	\$721.20
2015-16 Section 3(o)	<u>Green Acres</u> : Acquisition of 146 Scotch Road, as more specifically known as Block 367, Lot 46 on the tax maps of the Township, finally adopted June 9, 2015.	\$11,940.87
2015-22 Section 2	Acquisition of a Ford Expedition for use by the Fire Captain and Business Administrator, finally adopted July 28, 2015.	\$1,234.69
2015-39 Section 1	Acquisition of various equipment, consisting of a vehicle for use by the Assessor’s Office, repairs to the portion of roof covering the engine bay at Prospect Heights Fire Company, jaws of life rescue equipment for the West Trenton Fire Company, installation of an emergency generator for lighting in the Police Department and paving Ingham Avenue in Ewing, finally adopted December 8, 2015.	\$69,869.91
2016-08 Section 3(c)	<u>Police</u> : Acquisition of a breathalyzer, finally adopted May 10, 2016.	\$20,000

2016-08 Section 3(e)	The Road Paving Program, as more fully described on a list on file in the Office of the Clerk, which list is hereby incorporated by reference as if set forth at length, finally adopted May 10, 2016.	\$200,000
-------------------------	--	-----------

**The appropriation of the Unspent Proceeds for the Prior Projects are hereby cancelled and such funds are hereby transferred pursuant to N.J.S.A. 40A:2-39 to the Township’s Capital Fund Surplus Fund for future capital projects.**

**Section 3. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.**

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**President Schroth explained that these are unspent funds; these funds will be transferred to the capital surplus fund for future capital projects.**

**There were no questions or comments from Council. Ms. Keyes-Maloney made a motion to open the Public Hearing, seconded by Ms. Steward. It was agreed by unanimous voice vote. There were no questions or comments from members of the Public. Ms. Wollert made a motion to close the Public Hearing, seconded by Ms. Steward. It was agreed by unanimous voice vote. Mr. Baxter then moved the Ordinance, seconded by Ms. Wollert. President Schroth asked for a roll call.**

**ROLL CALL**

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

**2. The Clerk read (Ordinance #16-19) ORDINANCE APPROPRIATING \$440,000 FROM THE CAPITAL SURPLUS FUND FOR THE ACQUISITION OF VARIOUS EQUIPMENT IN AND BY THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY**

**BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY AS FOLLOWS:**

Section 1. \$440,000 is hereby appropriated from the Capital Surplus Fund for the acquisition of various equipment, consisting of a generator for the Municipal Complex at Jake Garzio Drive, the acquisition and installation of a kids water playground and filtration system for Ewing Senior and Community Center and upfit of the mobile command post for the Police

Department, including all related costs and expenditures incidental thereto, in and by the Township of Ewing, in the County of Mercer, New Jersey (the "Township").

Section 2. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

**President Schroth said that at the Agenda Session, the CFO explained that this is an appropriation from the unspent money in the capital surplus fund for various equipment. It includes the purchase of a generator for the Municipal Building.**

**There were no questions or comments from Council. Ms. Keyes-Maloney made a motion to open the Public Hearing, seconded by Ms. Wollert. It was agreed by unanimous voice vote. There were no questions or comments from Council or the Public. Ms. Steward made a motion to close the Public Hearing, seconded by Mr. Baxter. It was agreed by unanimous voice vote. Mr. Baxter then moved the Ordinance, seconded by Ms. Steward. President Schroth called for a roll call.**

**ROLL CALL**

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

- 3. The Clerk read (Ordinance #16-20) AN ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, AMENDING CHAPTER 354 TRAILERS TO PROHIBIT THE USE OF PORTABLE ON-DEMAND STORAGE OR PORTABLE STORAGE CONTAINERS ON RESIDENTIALLY ZONED PROPERTY EXCEPT IN CONFORMANCE WITH THE TERMS OF THE ORDINANCE.**

**WHEREAS**, the Mayor and Council of the Township of Ewing wish to enhance and create a sense of place that encourages economic vitality and community activity through well-designed land development that is consistent with established and planned land use patterns and preserves the community's suburban and urban landscapes alike, which make Ewing Township a unique and desirable place to both live and work; and,

**WHEREAS**, the Township's Master Plan and subsequent Reexamination Reports identify the need to analyze existing land use patterns and underlying ordinances and make recommendations for changes where incongruous land uses directly abut one another; and

**WHEREAS**, the Mayor and Council wish to further these goals by amending the Township's Ordinances to be consistent with its Master Plan is within the purpose and intent of the Municipal Land Use Law, N.J.S.A. 40:55D- et.seq, and;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Township of Ewing, County of Mercer, State of New Jersey that the Code of the Township of Ewing be amended to prohibit the use of portable on-demand storage or portable storage containers on residentially zoned property except in conformance with the terms Ordinance, as follows:

Section 1 Chapter 354, "Trailers" is hereby amended as follows:

**Chapter 354. Trailers and Camp Cars Portable On-Demand Storage Structures, Portable Storage Containers**

ARTICLE I: Recreational Vehicles, Trailers and Campers Cars

354.1 Definitions -

"Automobile" includes all motor vehicles except motorcycles.

"Commercial motor vehicle" includes every type of motor-driven vehicle used for commercial purposes on the highways, such as the transportation of goods, wares and merchandise, excepting such vehicles as are run only upon rails or tracks and vehicles of the passenger car type used for touring purposes or the carrying of farm products and milk, as the case may be.

"Commuter van" means a motor vehicle having a seating capacity of not less than seven nor more than 15 adult passengers, in which seven or more persons commute on a daily basis to and from work and which vehicle may also be operated by the driver or other designated persons for their personal use.

"Intermodal container" means a large standardized shipping container, designed and built for intermodal freight transport, meaning these containers can be used across different modes of transport – from ship to rail to truck – without unloading and reloading their cargo.

"Motor-drawn vehicle" includes trailers, semitrailers, or any other type of vehicle drawn by a motor-driven vehicle.

"Motor vehicle" includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles.

"Noncommercial truck" means every motor vehicle designed primarily for transportation of property, and which is not a "commercial vehicle."

"Owner" means a person who holds the legal title of a vehicle, or if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee, lessee or mortgagor shall be deemed the owner for the purpose of this subtitle.

"Parking" means the standing or waiting on a street, road or highway of a vehicle not actually engaged in receiving or discharging passengers or merchandise, unless in obedience to traffic regulations or traffic signs or signals.

"Passenger automobile" means all automobiles used and designed for the transportation of passengers, other than omnibuses and school buses.

"Pole trailer" means every vehicle without motor power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads, such as but not limited to boats, motorcycles, machinery, poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections, enclosed or otherwise.

Portable on-demand storage structures, and/or portable storage containers (Commonly known as a PODS, shipping containers, truck storage container, and the like) shall be defined to be; any container, storage unit, shed-like container, or other portable structure that can or is used for the storage of personal property, non-profit, or business-related activities of any kind and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements, and being with or without axles.

"Recreation vehicle" means a trailer, camper car or van self-propelled or towed vehicle equipped to serve as temporary living quarters for recreational, camping or travel purposes and used solely as a family or personal conveyance.

"Semitrailer" means every vehicle with or without motor power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

"Shipping Container" means any container of strength suitable to withstand shipment, storage and handling.

~~"Trailer or Camp Car or Van. A vehicle, whether self-propelled or otherwise, having no permanent foundation, which may be used as a dwelling or sleeping place for one or more persons.~~

"Trailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

"Truck" means every motor vehicle designed, used, or maintained primarily for the transportation of property.

"Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

"Vehicle" means every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks or motorized bicycles

§ 354-2. Parking restrictions; use as permanent dwelling prohibited. [Amended 5-28-2002 by Ord. No. 02-14]

No person shall park any trailer, ~~or camper ear~~, pole trailer or recreational vehicle in any street in the Township of Ewing for a period longer than ~~two~~ four hours and may not be parked overnight. No trailer, van, ~~camper ear~~, or Recreational Vehicle, whether lawfully parked on a street or private property or kept in dead storage on private property, shall be used by any person as a dwelling or sleeping place, except as permitted in § 354-3. No pole trailer may be parked, hitched or otherwise, on a public street overnight. A request may be made, in advance, to the Construction Official, in writing, requesting temporary on-street parking of prohibited trailer, van, camper, Recreational Vehicles or Pole Trailers, but no such extension shall exceed 72 hours.

§ 354-3. Temporary trailer dwelling; permit. [Amended 5-28-2002 by Ord. No. 02-14]

- A. Upon application to the Construction Official ~~Director of the Department of Community Services~~, upon forms prescribed by the ~~Municipal Clerk~~ Construction Official and filed with the ~~Municipal Clerk~~ Construction Official, a person or persons may be permitted to dwell temporarily in a trailer or ~~camper ear~~ having sanitary facilities approved by the Health Official in cases of temporary displacement of a homeowner by fire or other destruction of premises or visitations to private residences by a person(s) whose driver's license residence is more than 25 miles from the Township of Ewing.
- B. Such permit shall be issued in the discretion of the Construction Official ~~Director of Community Services~~ and shall be valid for 30 days. Extensions for like periods, up to a maximum of five extensions, may be approved by the Construction Official ~~Director of Community Services~~. No such permit or extension shall be granted unless the Zoning Officer ~~Director of Community Services~~ first reviews the Zoning Official and Health Official's report and determines that the proposed location of the temporary site is on private noncommercial property and is inoffensive to the neighborhood. Applicant must make reasonable request in writing by justifying why such extension is being requested.

§ 354-4. Violations and penalties.

Except as provided herein, violations of this article shall be punishable as provided in Chapter 1, Article III, General Penalty, §1-17, subsection B.

ARTICLE II: Temporary Construction and Sales Trailers  
[Adopted 2-14-2006 by Ord. No. 06-03]

§ 354-5. Permit required.

Any person expanding an existing building or structure located within the Township of Ewing will be required to obtain a permit to use temporary construction and/or sales trailers pending the completion of construction. Applications will be made to the Construction Office. Such permits shall be issued at the direction of the Township Construction Official and shall be valid for a period of six months, with one extension for up to six months to be granted in the discretion of the Township Construction Official. Any additional application for extension beyond one year must be made to the Township Council, which, in its discretion, may grant an additional extension.

§ 354-6. Temporary construction trailers.

A temporary construction trailer may be at the site for the period of construction beginning with the issuance of a construction permit and concluding before the final certificate of occupancy is granted.

§ 354-7. Temporary sales trailers.

A temporary sales trailer may be at the site for the period beginning with the posting of bonds for the project and concluding before a certificate of occupancy is granted (or the last certificate of occupancy in the case of a residential project).

§ 354-8. Removal of trailers; assessment for non-removal.

When a permit for a construction and/or sales trailer expires, the business, person or persons who applied for the permit must remove the trailer from the property within five business days of such expiration. If a temporary construction or sales trailer remains on the property after the five business days allowed for removal, the business person or persons shall be assessed, at the current tax rate, as if the trailers were permanent fixtures.

§ 354-9. Violations and penalties.

Except as provided herein, violations of this article shall be punishable as provided in Chapter 1, Article III, General Penalty, §1-17, subsection B.

## **NEW SECTION**

### **ARTICLE III: Portable on-demand storage structures, and/or portable storage containers**

§ 354-10. Use of On-Demand Structures: A portable on-demand storage structure may be utilized as a temporary structure within the Township when in compliance with the standards of this subsection. Any use of such structures within the Township not in compliance with this subsection shall be unlawful. No portable on-demand storage structure or containers may be utilized for commercial purposes in a residential zone unless permitted through the Zoning Official or Board of Adjustment. Intermodal containers are prohibited.

§ 354-11. Registration: Prior to or within 24 hours following the initial delivery of the portable on-demand storage unit, portable storage container, or shipping container, the applicant or supplier shall register the placement of the temporary storage unit, portable storage container, or shipping container with the Township Code Enforcement Department. The registration shall require the completion of a "Code Enforcement Application" form, payment of a \$50 25 nonrefundable registration fee in residential zones and \$200 100 in commercial zones, and the Code Enforcement Department's written approval of the application

§ 354-12 . Such temporary structure, container, or trailer may not exceed 8.5 feet (eight feet, six inches) in height, 10 (ten) feet in width or 20 (twenty) feet in length.

§ 354-13. Requirements for Placement and Location of On-Demand Structures or Portable Storage Containers:

- A. It shall be unlawful for any person or entity to place or permit the placement of portable on-demand storage structures or portable storage containers within a residentially-zoned location in the Township without properly registering the on-demand storage unit or portable storage container with the Code Enforcement Department or Zoning Office as provided above
- B. On-demand storage structures or portable storage containers shall only be placed on the property owner's driveway or a parking area, or if access exists, to the rear of the site. Required parking space(s) shall at all times be maintained if temporary storage units are placed in parking areas.



- €. No temporary storage structure or container shall be used at any time to store solid waste, construction debris, recyclable materials, business inventory, commercial goods, goods for property other than the residential property where the temporary storage unit or container is located (i.e., used for retail sales or non-profit sales distribution), or any other illegal or hazardous material. The Township may inspect the contents of any portable on-demand storage unit or portable storage container at any reasonable time to ensure it is not being used to store said materials.

§ 354-14. Duration of Time Storage Structures or Containers May Be on Property; Extensions

- A. A portable on-demand storage structure or portable storage container may be located as a temporary structure on a residentially-zoned property within the Township for a period not exceeding ~~72 hours~~ 14 days in duration from time of delivery to time of removal. No more than one (1) portable on-demand storage structure or portable storage container may be located on the specifically permitted property within the Township at one time; such structures or containers shall be individually limited to the duration time period established within. Such temporary structure or trailer may not be located on the specifically permitted residentially-zoned property more than ~~two~~ one times in any given one hundred and eighty ~~ninety (90)~~ (180) day period.

Extensions to the ~~72-hour~~ 14 day limitation on placement of the structures or containers in residentially-zoned properties may be granted to the Applicant, subject to conditions, for a reasonable time period, and not to exceed ~~48~~ 72 hours. Applicant must make reasonable request in writing by justifying why such extension is being requested. Any further length of time will require a Zoning Permit as may be allowable after application and, if necessary, approval by the Zoning Board of Adjustment.

- B. Exceptions to these limits may occur for up to 2 weeks, but limited to the following conditions:
1. When a homeowner is in the process of relocating to another location or locating to the subject premise;
  2. Upon fire/natural disaster damage.
- C. Any portable on-demand structure or portable storage container which is not removed at the end of the time for which it may lawfully remain in place, or immediately upon the direction of a law enforcement officer for removal of such temporary structure for safety reasons, may be removed by the Township immediately, without notice, and the cost of such removal , together with the cost of administration of its removal, may be assessed against the property on which the temporary structure was located and may be filed as a lien against such property by the Township Clerk. Such lien shall be superior in dignity to all other liens or encumbrances upon the property, including the lien of a mortgage, and shall be equal in dignity to the lien of *ad valorem* taxes.

§ 354-15. Violations and penalties.

Except as provided herein, violations of this article shall be punishable as provided in Chapter 1, Article III, General Penalty, §1-17, Subsection B.

Section 2 Severability. Should any section, clause, sentence, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

Section 3 Repealer. All prior ordinances or parts of same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 4 Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law, except that the Township shall afford all parties who are in violation of the terms of this amended ordinance at the time of its adoption 120 days in which to comply with the terms of this amended Ordinance.

Adopted:

**STATEMENT**

An Ordinance amending Chapter 354 Trailers, of the Code of the Township of Ewing to prohibit the use of portable on-demand storage or portable storage containers on residentially zoned property except in conformance with the terms of the Ordinance.

President Schroth said that this Ordinance was discussed, at length, during our Agenda Session and when it was introduced. Councilwoman Keyes-Maloney proposed certain amendments. At the suggestion of the Township Attorney, the Council President then read the proposed amendments for the benefit of the Public and for the record. Council and the Township Attorney then discussed some additional amendments to the Ordinance.

There were no additional questions or comments from Council. Ms. Keyes-Maloney then opened the Public Hearing on the Ordinance and the proposed amendments, seconded by Ms. Steward. It was agreed by unanimous voice vote. There were no questions or comments from the Public on the Ordinance or on the proposed amendments. Ms. Wollert made a motion to close the Public Hearing, seconded by Ms. Keyes-Maloney. It was agreed by unanimous voice vote.

President Schroth stated that these proposed amendments are not de minimis.

The Attorney then explained that if Council chooses to amend this Ordinance, then it will have to be re-advertised. There will also have to be another Public Hearing on the amended Ordinance.

Ms. Keyes-Maloney then moved to amend the Ordinance, seconded by Ms. Steward. President Schroth asked for a roll call.

#### **ROLL CALL**

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

#### **NEW BUSINESS**

1. The Clerk read (Resolution #16R-223) A RESOLUTION AUTHORIZING CY2016 BUDGET TRANSFERS

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

#### **ROLL CALL**

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

2. The Clerk read (Resolution #16R-224) A RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO PRINCETON HEALTHCARE SYSTEM IN THE AMOUNT OF \$5,267.50 FOR THE PROVISION OF AN EMPLOYEE ASSISTANCE PROGRAM FOR THE PERIOD OF JANUARY 1, 2017 TO DECEMBER 31, 2017

President Schroth said that the College of New Jersey, who we have used in the past for employee assistance services, has discontinued their program. The Township sought proposals from other providers. Princeton Healthcare System has satisfied the criteria.

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

**ROLL CALL**

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

Items three and four were read as a block.

3. The Clerk read (Resolution #16R-225) A RESOLUTION AUTHORIZING THE PURCHASE OF FOUR GETEC COMPUTERS TO BE USED BY POLICE DEPARTMENT FOR THE TOWNSHIP OF EWING FROM ISLAND TECH SERVICES. #89974 THROUGH STATE CONTRACT M-0483 (expires 03/31/2017)

President Schroth said that the GETEC computers have been budgeted for as part of the capital budget. The CFO explained, during the Agenda Session, that the IT Department has a schedule to replace computers every three years in order to keep up with technology.

President Schroth explained that the next Resolution is self-explanatory. It is an upgrade of the WatchGuard Camera System. It has been budgeted for as part of the cycle of staying up-to-date with appropriate equipment for the Police Department.

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

**ROLL CALL**

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

4. The Clerk read (Resolution #16R-226) A RESOLUTION AUTHORIZING THE PURCHASE OF THE UPGRADE FOR THE WATCHGUARD CAMERA SYSTEM USED BY POLICE DEPARTMENT FOR THE TOWNSHIP OF EWING FROM PATROL PC #A81300 THROUGH STATE CONTRACT T-0106 (expires 04/30/2017)
5. The Clerk read (Resolution #16R-227) A RESOLUTION AUTHORIZING A PERFORMANCE GUARANTEES RELEASE FOR RVGV REALTY, LLC, 1441 HEATH AVENUE, BLOCK 13, LOT 35, EWING TOWNSHIP ENGINEERS REMINGTON, VERNICK & ARANGO #1102 / 067

President Schroth said that although each project is unique, the procedure is fairly routine. This project has been completed sufficiently that the Township is now seeking to release the performance guarantee.

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

**ROLL CALL**

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

6. The Clerk read (Resolution #16R-228) A RESOLUTION AUTHORIZING THE REMOVAL OF THE UNPAID REAL PROPERTY TAXES FOR BLOCK 419, LOT 25, ALSO KNOWN AS 31 WILBURTHA ROAD, FROM THE TOWNSHIP'S ANNUAL TAX SALE

President Schroth said that this property is no longer in use.

The Attorney explained that the Delaware River Canal Commission intends to purchase the property from an estate that does not have any money. An environmental investigation has to be done prior to the purchase so the purchase price can be adjusted appropriately. This investigation should be completed by the first half of the year and then the State will buy it. Selling the tax lien would just cause another wrinkle in the process. The Township will still get its taxes when the property is sold.

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

**ROLL CALL**

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

The Clerk stated that there are two items that were walked-on at the Agenda Session.

- 7. The Clerk read (Resolution #6R-229) A RESOLUTION AWARDING ONE-YEAR CONTRACT FOR PHYSICIAN SERVICES TO ROBERT WOOD JOHNSON UNIVERSITY HOSPITAL-HAMILTON IN THE AMOUNT OF \$34,704.00

President Schroth said that this is for the provision of physician services for Township employees pertaining to a variety of areas. The Township received two proposals – one from Robert Wood and one from Capital Health. The Robert Wood Johnson proposal was under the \$40,000.00 threshold so it was not something that had to go out to bid. Robert Wood Johnson has been providing this service to the Township for the last several years. This Resolution continues these services at that rate.

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

**ROLL CALL**

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

- 8. The Clerk read (Resolution #16R-230) A RESOLUTION AUTHORIZING THE USE OF COMPETITIVE CONTRACTING PURSUANT TO N.J.S.A. 40A:11-4.1 ET SEQ. FOR THE PROCUREMENT OF ARCHITECTURAL, ENGINEERING AND DESIGN SERVICES IN CONNECTION WITH THE TOWNSHIP’S PROPOSED POOL RENOVATIONS AT THE HOLLOWBROOK COMMUNITY CENTER

President Schroth explained that this is part of the larger renovation project of the Hollowbrook Community Center. The current kiddie pool is being converted into a mini water park. It will be safer for the children. This is for the architectural designs of that project and not the actual building of the project.

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

**ROLL CALL**

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

**CLOSED SESSION**

**(None for this Meeting)**

**ADJOURNMENT**

**There being no further business President Schroth called for a motion to adjourn. Ms. Keyes-Maloney so moved seconded by Mr. Baxter. The meeting was adjourned at 10:06 p.m.**

---

**Sarah Steward, President**

---

**Kim J. Macellaro, Municipal Clerk**