

## July 22, 2014 – AGENDA SESSION

President Baxter called the meeting to order at 6:31 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 1<sup>st</sup> day of July, 2014.

**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

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

### DISCUSSION

#### **1. A RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87**

The CFO explained that this is a DOT grant for Green Lane that we were awarded and it will be included in our 2014 budget.

President Baxter asked how long ago did we apply for this grant.

The CFO replied that it takes a while for the awards to be put together and added that she did not know what stretch of Green Lane was covered.

President Baxter asked if it included a bike path as well.

The CFO said that she was not sure but will find out for Council.

President Baxter asked if there are more grants in the pipeline or is this for the entire project.

The CFO replied that it is for the entire project.

There were no additional questions or comments from Council.

#### **2. A RESOLUTION AUTHORIZING THE 2014-2015 RENEWAL OF LIQUOR LICENSE FOR TWO WAITERS LLC (#1102-32-022-007)**

President Baxter said that this is one of our ad interim licenses; their tax clearance certificate has been received.

The Attorney added that this is Revere; they are cleared for renewal.

There were no questions or comments from Council.

**3. A RESOLUTION AUTHORIZING EWING TOWNSHIP TO ENTER INTO A SPONSORSHIP AGREEMENT BETWEEN EDUCATIONAL TESTING SERVICES, EWING TOWNSHIP AND THE EWING PUBLIC EDUCATION FOUNDATION FOR THE CREATION OF AN EDUCATIONAL AND TECHNOLOGY RESOURCE CENTER AT THE HOLLOWBROOK COMMUNITY CENTER**

The Attorney explained that ETS has a voluntary contribution program; employees can dedicate monies from their paycheck into a fund. ETS has decided that the Ewing Public Education Foundation will be a recipient of some of these funds. The funds will be used to create a learning center at Hollowbrook.

Heather Kearns-Latini (Ewing Public Education Foundation) stated that the Foundation is so excited about this project. Ms. Kearns-Latini then explained how this project came about.

President Baxter said that he and the Administration are very excited to see life come to Hollowbrook especially for the young population. President Baxter then asked if Wi-Fi will be part of this.

Council and Ms. Kearns-Latini then discussed Wi-Fi and concluded that it will be part of this project.

Ms. Kearns-Latini stated that the project is coming in a little under budget and then said that Council should contact her if Council has any suggestions for this project.

There was then a discussion about the layout of the learning center.

President Baxter thanked Ms. Kearns-Latini for her advocacy for Ewing.

Ms. Kearns-Latini then mentioned that the Foundation is in partnership with the College of New Jersey to run programs at this learning center.

President Baxter asked how is the Board of Education tying in with this project.

Ms. Kearns-Latini explained that the Board of Education is involved in every meeting and will be more involved with the designing of the programs.

President Baxter asked Ms. Kearns-Latini to relay Council's excitement and thanks to the ETS board.

There were no additional questions or comments from Council.

**CONSENT AGENDA**

Council President Baxter presented the Consent Agenda for review.

- 1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$293,969.13 and to Pay Supplemental Bills per Resolution #14R-44 in the Amount of \$1,910.45**
- 2. Approval of Closed Session Minutes for June 25, 2013, July 8, 2013, August 12, 2013, August 13, 2013, September 9, 2013, September 10, 2013, September 23, 2013 and November 12, 2013**
- 3. A Resolution Authorizing a Maintenance Guarantee Release for Cenlar Federal Savings Bank, 425 Phillips Boulevard (Block 225.02/Lot 52) – Ewing Engineers Remington, Vernick & Arango RV&A #1102-I-014**
- 4. A Resolution Authorizing a Maintenance Guarantee Release for Suburban Square (CVC Pharmacy), 1320 Parkway Avenue (Block 365/Lots 11-13 & 29) – Ewing Engineers Remington, Vernick & Arango RV&A #1102-I-051**
- 5. A Resolution Authorizing a Performance Bond Release for Continuum Dynamics, 34 Lexington Avenue (Block 320/Lots 10 & 19) – Ewing Engineers Remington, Vernick & Arango RV&A #1102-I-045**
- 6. A Resolution Authorizing the Conduct of an Off-Premise 50-50 Cash Raffle Sponsored by Saint Francis Medical Center Auxiliary on September 22<sup>nd</sup>, 2014**
- 7. A Resolution Authorizing the Conduct of an Off-Premise 50-50 Cash Raffle Sponsored by Saint Francis Medical Center Auxiliary on November 9<sup>th</sup>, 2014**

8. **A Resolution Authorizing the Conduct of an Off-Premise Merchandise Raffle Sponsored by Saint Francis Medical Center Auxiliary on September 22<sup>nd</sup>, 2014**
9. **A Resolution Authorizing a Refund, as Recommended by the Township Construction Official, for Fees, in the Amount of \$25.00 to Elizabeth Nagele, 558 Cleardale Ave., Ewing, NJ 08638 for UCC Permit Fees (Permit #20140831) at 558 Cleardale Ave., Ewing, NJ 08638. The Homeowner was Unaware that She was Entitled to a Senior Discount**
10. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector, in the Amount of \$919.19 for August & November 2014 Tax Quarters, to Juliet, Watson & Alexandra, 14 King Ave, Ewing, NJ 08638, for Property Owner Juliet, Watson & Alexandra, for Block: 150 Lot: 42 Also Known as 40 Browning Ave., for Overpayment Due to Lower Assessment for CY2014**
11. **A Resolution Authorizing a Refund and Cancellation, as Recommended by the Tax Collector, a Refund in the Amount of \$885.22 and a Cancellation in the Amount of \$4,994.64 for 05-20-14 to 12-31-14 to Pierce James H. & Massey-Pierce Sonja, 53 Federal City Road, Ewing, NJ 08638 for Property Owner Pierce, James H. & Massey-Pierce Sonja, for Block: 519 Lot: 15, Also Known as 53 Federal City Rd. Cancellation of \$4,994.64 from May 20, 2014 to December 31, 2014 Due to 100% Disabled Veteran and Refund of \$885.22 Overpayment from May 2014 Second Quarter**
12. **A Resolution Authorizing a Cancel, as Recommended by the Tax Collector, a Cancel in the Amount of \$2049.86 for April 21, 2014 to December 31, 2014 Tax Bill and a Cancel in the Amount of \$710.52 for July 1, 2014 to December 31, 2014 Sewer Bill for Property Owner Rea, George E. & Loretta, for Block: 73 Lot: 37 Also Known as 1414 Pennington Rd Due to Fire on Premise on April 21, 2014**

Vice President Keyes-Maloney asked the CFO about check #62128 on the Bills List. The CFO replied that it is for alcoholic testing.

There were no additional questions or comments from Council and the Consent Agenda was approved for action.

#### **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 AMEND CHAPTER 225 TRAFFIC REGULATIONS, TO PROHIBIT LEFT TURNS FROM POLAND STREET ONTO PARKSIDE AVENUE AND TO PROHIBIT LEFT TURNS FROM STEINWAY AVENUE ONTO ROUTE 31**

President Baxter stated that this is at the request of the Police Department. The Attorney explained that the current Ordinance says "Right Turn Only" but the street signs say "No Left Turn". The two need to match.

There were no questions or comments from Council.

2. **AN ORDINANCE AMENDING THE EWING TOWNSHIP SALARY ORDINANCE ESTABLISHING COMPENSATION OF OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF EWING**

The Attorney explained that the Clerk and the Administrator are the only two positions that are not covered by a collective bargaining unit so their salary has to be set by Ordinance. Both positions "follow" the I.B.E.W. contract.

There were no questions or comments from Council.

**3. 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 Attorney explained that this is equipment that the Township can no longer use. Regulations allow this equipment to be donated.

President Baxter stated that the itemized list of what is being donated is in Council's packet.

There are no questions or comments from Council.

**4. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 225 VEHICLES AND TRAFFIC, ARTICLE VIII SCHEDULES, § 225-51 SCHEDULE IV TIME LIMIT PARKING TO LIMIT THE DURATION OF PARKING ON ARDEN AVENUE TO TWO HOURS**

The Attorney explained that this came at the request of the residents themselves. The issue is people, mostly from the College, parking their cars on Arden and leaving them there for the day or days at a time.

President Baxter said that the Police Department gave the Administration and him the protocols as to how this Ordinance will be enforced. President Baxter then said that he and the Business Administrator surveyed the residents and found that the majority were in agreement with the two hour parking. President Baxter then said that one concern mentioned while he was canvassing the neighborhood was that there should be an exception for holidays.

Council and the Attorney then discussed the "holiday" exception – how should it be worded in the Ordinance and whether this exception should pertain to all streets with limited parking or only for Arden Avenue.

It was decided that this Ordinance will be amended at tonight's regular session, and re advertised with a public hearing on the amended ordinance.

There were no additional questions or comments from Council.

**NEW BUSINESS**

(None for this Meeting)

**STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC**

Lee Farnham (68 Lochatong Road) spoke about an environmental issue (audio is inaudible at this point).

President Baxter said that we are hoping to have that on the agenda for the August meeting.

Vice President Keyes-Maloney asked Mr. Farnham to explain what RGGI is.

Mr. Farnham replied that it is the Regional Greenhouse Gas Initiative. Mr. Farnham said that, in essence, it is a cap and trade program. Mr. Farnham then explained what it entails.

Vice President Keyes-Maloney then asked Mr. Farnham to explain the comment period and why it is important.

Mr. Farnham responded that public comments are limited to sixty days. The Court had ordered the DEP to have a comment period after a number of environmental groups brought suit.

President Baxter asked when does the comment period end.

Mr. Farnham replied that it ends on September fifth.

Vice President Keyes-Maloney thanked Mr. Franham for bringing this to Council's attention.

Matt Kalnas (527 Pingree Avenue) asked what is the process for getting an ordinance changed. Mr. Kalnas stated that the time liquor can be served should be moved from Noon to 10:00 a.m. to allow alcohol to be served with a Sunday brunch.

**Mr. Kalnas stated that Ewing restaurants are being hurt by the current hours as people will go to Lawrence or to Washington's Crossing for brunch instead of staying in Ewing.**

**Mr. Kalnas said that he spoke with many restaurant owners in Ewing who are also in favor of this being changed. Mr. Kalnas said that it is not only Ewing establishments with liquor licenses that are losing out, but other businesses as well because if you go to brunch next to Quaker Bridge Mall, you may go to the Mall afterwards to shop.**

**Ms. Wollert said that she agrees with his point that Ewing businesses lose out because they are not able to sell until later in the day and added that it might encourage restaurants in Ewing to serve brunch.**

**Mr. Kalnas said that this would not take business away from Ewing restaurants without liquor licenses. Mr. Kalnas said that he wanted the opportunity to have this placed on the Agenda so he can bring people to a Council meeting to show Council how popular this would be.**

**Vice President Keyes-Maloney said that there are benefits and perhaps deterrents that would have to be explored but she is willing to entertain the idea.**

**Councilwoman Steward and Councilman Schroth both said that it something that should be looked at.**

**President Baxter asked the Clerk to check the current ordinance for when liquor can be sold.**

**The Clerk said that on Sunday they can open at Noon, but a closing time is not mentioned. The Attorney added that if a time is not set in our Ordinance, it defaults to the standards set by State statute.**

**Council, the Clerk and the Attorney then discussed the current Ordinance and the State statute.**

**President Baxter then said that this needs to be researched further and that Council has to be in accord before we proceed.**

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

#### **CLOSED SESSION**

**(None for this Meeting)**

#### **ADJOURNMENT**

**There being no further business, President Baxter asked for a motion to adjourn. Ms. Steward so moved seconded by Mr. Schroth. The meeting was adjourned at 7:08 p.m.**

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**Jennifer Keyes-Malony, President**

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**Kim Macellaro, Municipal Clerk**