

May 27, 2014 – AGENDA SESSION

President Baxter called the meeting to order at 6:00 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 May, 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

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| ▪ Ms. Keyes-Maloney – Present | Joanna Mustafa, CFO |
| ▪ Mr. Schroth – Present | Maeve Cannon, Attorney |
| ▪ Ms. Steward – Present | Susan Bate, Deputy Clerk |
| ▪ Ms. Wollert - Present | |
| ▪ President Baxter - Present | |

DISCUSSION

1. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 342 TAXICABS AND LIMOUSINES TO PROVIDE FOR ADDITIONAL TAXICAB LICENSING CRITERIA AND TO LIMIT THE TOTAL NUMBER OF TAXICAB OWNER’S LICENSES AVAILABLE FOR ISSUANCE

The Attorney explained that Hamilton and Ewing have a shared services for taxi and limos and under that agreement, Ewing licenses Ewing and Hamilton. The Attorney then explained the two amendments: one amendment limits the number of taxi owner licenses to forty - there will be an auction if any become available; the other amendment, allows the Chief of Police to make a determination regarding serious offenses on drivers’ DMV record.

President Baxter asked how many owner licenses are there.

The Attorney responded that she believes it is thirty-two, however, there are several that are pending; forty seems to be a good number.

President Baxter asked if the Clerk will have any input in determining a “poor driving record”.

The Attorney answered that the Chief of Police will look at the abstract and make the determination.

President Baxter asked if this Ordinance is just Ewing’s part of this.

The Attorney responded that Hamilton has already amended their Ordinance.

President Baxter asked if it is our Chief of Police that makes the determination regarding the drivers’ abstract.

The Attorney said that it would be the Chief of Police of the town that the driver is in. If a licensee requests a hearing, they would go before Council of the town where their business is located.

Councilwoman Wollert asked what are the responsibilities for each town.

The Attorney replied that Ewing does the bulk of the processing. Hamilton buys the medallions. Each town is responsible for its own enforcement. Ewing does the inspections.

Councilwoman Wollert then asked about the number forty – does forty cover Ewing only or Ewing and Hamilton combined.

The Deputy Clerk replied that it was her understanding that it was supposed to be forty total.

Vice President Keyes-Maloney asked if forty is too low; does it cover future need.

The Attorney then suggested that Council hold off on this until we get clarification.

Vice President Keyes-Maloney then said that the three questions that have to be addressed are: one, does forty include both Hamilton and Ewing, two, does forty address future needs and three, which Police Chief will make the determination regarding a driver's record.

Councilwoman Wollert asked if this affects limousine licenses.

The Attorney replied – no.

President Baxter asked the Attorney to double check with the Clerks of Ewing and Hamilton that forty, as the number of owner licenses, is okay with them.

There were no further questions or comments from Council.

This Ordinance was not approved for action.

2. AN ORDINANCE AUTHORIZING THE LEASE OF A PORTION OF THE EWING SENIOR AND COMMUNITY CENTER TO KIDSBRIDGE, INC., A 501(C)(3) NON-PROFIT ORGANIZATION

The Attorney explained that this organization provides anti-bullying and tolerance services for grades K thru 12. Volunteers run their programs. The Attorney then described where Kidsbridge will be located within the Community Center. The Attorney then explained that at least 200 kids must use their services the first year and then it will be revisited.

President Baxter stated that the Superintendent of Ewing Schools was comfortable with the 200 number.

Vice President Keyes-Maloney stated that Kidsbridge not only addresses bullying but also cultural issues within schools.

There were no further questions or comments from Council.

3. A RESOLUTION EXTENDING THE TIME FOR THE RENEWAL OF TAXI AND LIMOUSINE LICENSES AND PLACING A MORATORIUM ON TAXICAB LICENSING CRITERIA AND TO PLACE A CAP ON THE NUMBER OF TAXICAB OWNERS' LICENSES ISSUED

The Attorney explained that as the taxi ordinance is in the process of being amended this Resolution places a temporary moratorium and extends the current taxi licenses until August 1st.

President Baxter asked if the August 1st date will have to be pushed back as the taxi ordinance is not being moved tonight.

The Attorney replied no – there are enough meetings – four – between now and August 1st.

There were no additional questions or comments from Council.

4. A RESOLUTION AUTHORIZING THE ACCEPTANCE FOR THE FY2013 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE

Lt. Maruca stated that this is federal money that is first passed down through the State and then the County. Mercer County, Ewing, Hamilton, Trenton, and the Mercer County Prosecutor's Office receive funds from this program. This year it will be administrated by the Mercer County Prosecutor's Office.

President Baxter asked how do they figure out what portion of the grant we receive as compared to the other entities.

Lt. Maruca responded that the amount is already calculated by the federal government. The Lieutenant then stated that he believed it was based on crime stats.

President Baxter stated that the program allows the grant money to be used in a number of areas. President Baxter then asked what is Ewing's focus.

Lt. Maruca responded that Ewing concentrates on technology, in particular, in-car computers. The Lieutenant then explained the reasons why Ewing focuses on technology.

President Baxter asked if we are working with Hamilton and Trenton on some sort of cooperative goal to spend this money.

Lt. Maruca responded no and then stated that Hamilton and Trenton are both using it mainly for technology.

Councilwoman Steward asked, looking forward, what would be the next area Ewing should utilize this grant for.

Lt. Maruca responded that it would still be technology; we have to keep up.

Councilman Schroth asked if the technology mentioned is something that we already have or is it new.

Lt. Maruca said that mainly it is upgrading the technology.

Councilman Schroth asked about the gunshot technology; do we already have it.

Lt. Maruca replied - Trenton has it, we do not.

President Baxter asked if it would be helpful for Ewing to install cameras in taxis and buses .

Lt. Maruca said that it would be something that we could look into.

President Baxter thanked Lt. Maruca for coming before Council.

There were no additional comments or questions from Council.

President Baxter stated that Item 4 on the Agenda is the Township receiving the 2013 amount and Item 5 is the application for FY2014.

5. **A RESOLUTION AUTHORIZING THE TOWNSHIP OF EWING TO MAKE APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE FOR AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) LOCAL PROGRAM IN THE AMOUNT OF \$9,025.00 FOR FY2014**

Vice President Keyes-Maloney remarked that the criteria for how much we received is outlined in the budgetary information; it is set by the federal government and is based on violent crime and population size.

There were no further comments or questions from Council.

6. **A RESOLUTION AUTHORIZING THE PURCHASE OF A 2014 OR NEWER AMBULANCE IN THE AMOUNT OF \$149,897.00**

The CFO explained that this is part of our capital ordinance for this year. It is a replacement ambulance; we are currently borrowing one from Pennington Road. It is an urgent need.

President Baxter added that at the budget hearings, the EMS director explained how business is picking up in Ewing.

There were no additional questions or comments from Council.

7. **A RESOLUTION APPROVING THE FILING OF A NEW JERSEY DEPARTMENT OF TRANSPORTATION PETITION FOR A HIGHWAY-RAIL GRADE CROSSING AND ACCEPTANCE OF RESPONSIBILITY TO MAINTAIN SIGNS AND/OR PAVEMENT MARKINGS RELATED TO THE HIGHWAY-RAIL GRADE CROSSING**

The Attorney explained that this will allow us to continue Silvia Street. Instead of an overpass, it allows the Township to petition for a highway-rail grade crossing. In the event it is approved by the Department of Transportation, the Township accepts the responsibility to maintain signs and/or pavement markings.

Vice President Keyes-Maloney added that the Silvia Street project is part of the capital budget that is on tonight's agenda.

There were no additional comments or questions from Council.

8. **A RESOLUTION AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF HERSHA HOSPITALITY MANAGEMENT, L.P. t/a COURTYARD EWING PRINCETON (1102-36-036-002); A PLENARY RETAIL CONSUMPTION LIQUOR LICENSE (HOTEL EXCEPTION), TO SAGE BRE NYNJ MANAGER, LLC t/a COURTYARD EWING PRINCETON**

The Attorney stated that there are a number of requirements for a person-to-person transfer; one is a background check. Officer Papp's recommendation is attached.

President Baxter asked if the dollar value of this transfer was known.

The Attorney responded no and then stated that she did not want to get involved with this aspect of a liquor license transfer as it is the Police Department that does the investigation.

There were no additional questions or comments from Council.

9. **A RESOLUTION AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF HERSHA HOSPITALITY MANAGEMENT, L.P. t/a ELEMENT EWING PRINCETON (1102-33-024-008); A PLENARY RETAIL CONSUMPTION LIQUOR LICENSE, TO SAGE BRE NYNJ MANAGER, LLC t/a ELEMENT EWING PRINCETON**

President Baxter stated that the same process was followed as with Item 8. Officer Papp's recommendation is in our packet.

There were no questions or comments from Council.

10. **A RESOLUTION AWARDED CONTRACT TO OPERATE THE CONCESSION STAND AT THE EWING TOWNSHIP SENIOR AND COMMUNITY CENTER POOL**

The Attorney explained that this is a contract, well under the bid threshold. We did go out to bid, but as no bids were received, the Township is then allowed to contact vendors directly. Last summer sales were not good and the vendor from last year did not work out. The Attorney then explained some of the contract requirements - child-friendly menus, not allowed to sell tobacco products, no glass. The Township will get four percent of the revenue.

President Baxter asked how the four percent was decided.

The Attorney replied that that was negotiated by Ted Forst. There was a need to get someone in right away.

President Baxter asked the CFO to have Mr. Forst e-mail Council with a copy of the menu and he also asked if the nutritional information will be posted.

The CFO responded that she will get this information for Council.

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 \$5,930,450.05 and to Pay Supplemental Bills per Resolution #14R-44 in the Amount of \$2,317.86**
2. **A Resolution Authorizing a Performance Bond Release for Karshan, LLC (Dunkin Donuts) 2085 Pennington Road (Block 229.08/Lot 11) – Ewing Engineers Remington, Vernick & Arango RV&A #1102-I-033**
3. **A Resolution Authorizing the Conduct of a Hole-in-One Raffle Sponsored by the Thomas J. Carnevali Jr. Memorial Foundation, Inc.**
4. **A Resolution Authorizing the Conduct of an On-Premise Merchandise Raffle Sponsored by Sunshine Foundation on July 12, 2014**
5. **A Resolution Authorizing the Conduct of an On-Premise Merchandise Raffle Sponsored by Prevention Education, Inc. on October 17th, 2014**

6. **A Resolution Authorizing the Conduct of an Off-Premise 50-50 Cash Raffle Sponsored by Prevention Education, Inc. on October 17th, 2014.**
7. **A Resolution Authorizing a Refund, as Recommended by the Township Construction Official, for Fire Prevention in the Amount of \$100.00 to Mary Lou Drake, 444 Woodside Ave., Yardville, NJ 08620 for a Fire Prevention Payment on 1440 Prospect St., Ewing, NJ 08638 that was Paid For and the Owner Shut Down the Business**
8. **A Resolution Authorizing a Refund, as Recommended by the Township Construction Official, for Permits in the Amount of \$441.00 to Solar City Corporation, 9 Corporate Dr., Cranbury, NJ 08512 for Permits #20140605 and #20140456 on 8 Crestmont Ave., Ewing, NJ 08618 that was Paid For Twice for the Same Address**
9. **A Resolution Authorizing a Refund, as Recommended by the Township Construction Official, for Permits in the Amount of \$51.00 to Jairo Chavarriaga, 305 Greenville Ave., Ewing, NJ 08638 for a Plumbing Permit #20140147 on 305 Greenville Ave., Ewing, NJ 08638 that was Paid For and Resident Decided Not to Complete the Sewer Cleaner Improvement**
10. **A Resolution To Refund Property Taxes for the First and Second Quarter of 2014 for Selected South Fork Townhouse Properties**
11. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector, for Overpayment in the Amount of \$1961.03 for May 1, 2014 tax qtr. to Diamond Settlement Services, 660 Newtown Yardley Road, Suite 102, Newtown, PA 18940, Ref# DSSNJ14-101 for property owner Michael Willey, for Block: 560 Lot: 10 also known as 48 Brophy Drive, for overpayment of May 1, 2014 tax qtr.**
12. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector, for Overpayment in the Amount of \$1106.30 for May 1, 2014 tax qtr. to Princeton Assurance Corporation, 2482 Pennington Road, Suite 2, Pennington, NJ 08534, File# NJ13-100290R, for property owner Aaron, Cheryl C., for Block: 497 Lot: 17 also known as 17 Dorset Drive, for overpayment of May 1, 2014 tax qtr.**
13. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector, for Overpayment in the Amount of \$1544.03 for May 1, 2014 tax qtr. to Statewide Closing Services, LLC, 76 North Bridge Street, Somerville, NJ 08876, REO 210, for property owner Bullock, Alysha, for Block: 193.01 Lot: 110 also known as 814 Lily Lane, for overpayment of May 1, 2014 tax qtr.**
14. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector, for Overpayment in the Amount of \$1684.22 for May 1, 2014 tax qtr. to Flowers, Willie J., 1100 Parkside Avenue, Ewing, NJ 08618.2626 for property owner Flowers, Willie J., for Block: 294 Lot: 76 also known as 1100 Parkside Avenue, for overpayment of May 1, 2014 tax qtr., due to 100% disabled vet.**
15. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector, for Overpayment in the Amount of \$1710.57 for May 1, 2014 tax qtr. to Winslow, Walter J. & Lucille E., 26 Thurston Avenue, Ewing, NJ 08618 for property owner Winslow, Walter J. & Lucille E., for Block: 275 Lot: 23 also known as 26 Thurston Avenue, for overpayment of May 1, 2014 tax qtr.**
16. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector, for Overpayment in the Amount of \$1429.14 for May 1, 2014 tax qtr. to Weichert Title Agency, 1909 Rt. 70 East, 2nd Floor, Cherry Hill, NJ 08003, Attn: Maureen Tyris, Personal & Confidential, for property owner Polo, Joseph, for Block: 105.04 Lot: 4 also known as 3 Sherbrooke Road, for overpayment of May 1, 2014 tax qtr.**

There were no questions or comments from Council.

CY2014 TOWNSHIP BUDGET

1. PUBLIC HEARING, ON THE AMENDMENTS ONLY, FOR THE CY2014 BUDGET

The CFO explained the several amendments that were required by the State. Councilwoman Wollert asked why the reserve fund for uncollected taxes increased so much.

The CFO responded that it was because of the decrease in our collection rate. We had to drop our collection rate by .2 percent – just shy of \$200,000.

There were no additional questions or comments from Council.

2. A RESOLUTION TO ADOPT THE CY2014 BUDGET, AS AMENDED.

There were no questions or comments from Council.

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, ADDING ADDITIONAL BUS STOPS ALONG MUNICIPAL ROADWAYS PURSUANT TO N.J.S.A. 39:4-8(e)

At the request of President Baxter, the CFO read where these additional bus stops will be located.

There were no questions or comments from Council.

2. 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 BUSES AND COMMERCIAL TRUCK PARKING IN ALL RESIDENTIAL ZONES OF EWING TOWNSHIP

The Attorney explained that this relates to the parking of trucks with three or more axels (including buses) in any residential zone.

President Baxter asked if this includes the number of tires.

The Attorney replied that it is the number of axles.

President Baxter then asked if this includes tow trucks.

The Attorney replied (the Attorney's response could not be heard).

Councilman Schroth stated that this is a part of an ongoing examination of vehicles in the Township; this is not the end of the issue.

There were no additional questions or comments from Council.

3. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO ADD CHAPTER 421, LIVE ANIMAL SLAUGHTERING AND PROCESSING FACILITIES, AND TO AMEND CHAPTER 172, FEES

The Attorney explained that this is at the request of the Health Department. A facility is already operating in the Township. This provides for licensing and a fee structure and will limit the processing to chickens and small animals. The Ordinance is based on state regulations. This facility is currently only dealing with chickens.

President Baxter asked if this facility allows walk-ins to purchase processed chickens.

The Attorney replied that she did not think so.

President Baxter then asked if the Health Officer has been out there.

The Attorney replied – yes and then stated that this operation has been very cooperative and proactive. The Attorney stated that this Ordinance limits this type of operation to the IP-3 Zone and will also limit this type of facility to one per zone. The Attorney added that this is from a health licensing perspective only, it is not a zoning ordinance and then recommended that Council ask the Planning Board to look at any zoning issues.

President Baxter asked the CFO to note the Attorney’s recommendation.

There were no comments or questions from Council.

ORDINANCE(S) FOR FINAL ADOPTION

1. A BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$5,994,176.10 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,695,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

President Baxter stated that this is for voting purposes only.

All items were approved for action except for Item One – Taxi Ordinance.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

George Steward (30 Gilmore Road) asked why is a new ambulance needed as a new ambulance was recently purchased for Pennington Road. Mr. Steward also asked what is the status of the EMT Department. He stated that he saw that the paid staff is working almost 24/7 and that that tells him that the volunteer staff is no longer able to cover Friday evening to Monday morning.

The CFO responded that we now have seven full-time EMT’s – two shifts during the day. With only one ambulance, we would have a crew just sitting at the station house. Pennington Road needs their ambulance back in order to handle the weekend shift.

The CFO added that the goal of the Township is to go to a 24/7 shift with the EMT’s and that the new ambulance will bring in revenue and will pay for itself.

Mr. Steward then asked when the ambulance is out on the weekend is that an overtime situation.

The CFO and the Attorney responded.

The Attorney added that this is a replacement, not an additional ambulance.

Carolyn Steward (30 Gilmore Road) stated that your taxi cab ordinance says “Chief of Police” and as we do not have one, perhaps that language should be changed.

Ms. Steward then asked if the Township has an Ordinance about the keeping of chickens especially since now it is trendy.

The Attorney stated that currently the Ordinance only deals with traditional domestic pets. Ms. Steward asked Council to consider looking into rethinking the Ordinance to allow for the keeping of chickens and other such animals not only for food but for the getting rid of insects as insecticides are being used less.

(Prospect Street) [His name and street # could not be heard on the audio] He stated that he thought it should be a law that a camera be installed before a taxi could be licensed; it would be beneficial to both the Township and to the cabbie.

President Baxter replied that it is something he will follow up on.

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. Wollert so moved seconded by Mr. Schroth. The meeting was adjourned at 7:01 p.m.

Jennifer Keyes-Maloney, President

Susan Bate, Deputy Municipal Clerk