

June 14, 2016 – AGENDA SESSION

President Schroth called the meeting to order at 6:34 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 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 THE 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 | Kim Macellaro, Municipal Clerk |
| ▪ Ms. Wollert – Present | |
| ▪ President Schroth – Present | |

DISCUSSION

1. DISCUSSION TO ELIMINATE THE SPECIAL CONDITIONS IMPOSED ON LIQUOR LICENSE #1102-33-013-008 TWO PETER’S INC. D/B/A CAPITAL RESTAURANT

President Schroth introduced the representatives who represent Two Peter’s. Mr. Stuart Lieberman introduced himself and said that they are requesting that the Council modify the conditions in the granting of the license to his client. They are requesting that the limitation of stopping the sale of alcohol at 12 midnight be lifted. He commented that they understand that there is no assumption that it would be granted, but they are making the request now. President Schroth stated that for the record, a letter was submitted to the township dated May 17, 2016, making this request to expand the hours. Mr. Lieberman said that his client is here and can answer any questions. He said his client has indicated that people are coming to him and saying that they go to other bars that sell alcohol and they close at 2:00 a.m. and he would like to sell alcohol until 2:00 a.m. His client indicated that there have been no police reports relating to fights and this would help the business. Mr. Lieberman said he had nothing further to say, but he requested that they receive favorable relief on this application. He said he could have his client answer any questions they may have.

Councilwoman Keyes-Maloney asked whether Mr. Gromitsaris can still serve food after 12:00 a.m. and Mr. Lieberman said that he could still serve food but not alcohol. President Schroth asked what the hours are right now. Mr. Gromitsaris, (“all of you call me Peter”) said that they sell food until 2:00 a.m. and he is requesting to sell alcohol until 2:00 a.m. He said his business is struggling. Mr. Lieberman asked his client if “last call” would be at 1:30 a.m., to which Mr. Gromitsaris replied yes. Councilman Baxter asked Mr. Gromitsaris if he had any type of breakout/percentage as to how much revenue is from alcohol and how much is from food. Mr. Gromitsaris said that at this time, alcohol is very limited. He further said that if they sell \$2,000/day (food and alcohol), food would be about \$1400 and alcohol would be around \$400-\$600, it depends on the day. Councilman Baxter asked if the majority of people coming to him want to drink or eat. Mr. Gromitsaris said they come to eat and at the same time they want to drink. Because he cuts off alcohol early, they eat quickly and leave. Councilman Baxter re-iterated what Mr. Gromitsaris said about Ewing Diner and at Capital Restaurant, it is not. Mr. Gromitsaris said that the people are not complaining about the food, the people are complaining that they close early and this is a different section of the township. Mr. Gromitsaris said that if he cannot pay the bills, he

will close the business. Councilman Baxter said that he is not trying to put him out of business but he just wants to see how relevant the liquor license is to this business. Mr. Gromitsaris said that he respects what Mr. Baxter says and said that he is here as a legit businessman to support the business. He said he cannot continue to stay open if the business doesn't get better. Councilwoman Keyes-Maloney asked if the only modification they are asking Council to consider is the 12:00 a.m. to 2:00 a.m. The existing other preclusions that talked about making sure you are consistent with the Ordinance around not serving alcohol in the morning hours or selling packaged goods, remain in place. Mr. Lieberman said that they are only asking for the one modification to be lifted. Vice President Steward said that she noticed he had changed the floor plan a little bit and asked him to explain the reason for the change. Mr. Gromitsaris said he wanted to separate the bar from the restaurant. Councilwoman Wollert said that we granted the transfer of the license and there is no issue for the past year, except for fire alarm, and she is in favor of extending the hours to the norm, which would be 2:00 a.m., same as other liquor license holders. She further stated that she doesn't see where law enforcement has a problem with it and it has been a year, without any incident. Councilwoman Steward asked Counsel if we could reinstate these conditions at any time. Attorney Cannon said yes you can impose special conditions depending on the circumstance. Mr. Lieberman stated that his client will have a police officer on premise Thursday, Friday and Saturday from 12:00 a.m. to 2:00 a.m.

President Schroth stated that he is comfortable carrying this over for action. Councilwoman Keyes-Maloney said that she is glad to hear that he will have law enforcement present at the establishment and Councilwoman Steward said the investment that Peter has made to the community, we could give this a chance and see how it goes.

President Schroth asked the Clerk to add this to the Agenda and Counsel Cannon said that she didn't have a resolution prepared. She and Council talked about it and said that the only change would be to lift the hours of operation and that the other two special conditions would remain in effect. Attorney Cannon said that they could act on it and Counsel will draft a resolution and send it to the Clerk.

President Schroth asked if there were any questions from the public.

George Steward (30 Gilmore Road) said that he spoke on behalf of the businessman before that he was to be given a chance to perform and meet the criteria that was established and as a citizen and patron, he believes that he has met those conditions. He said that he is a businessman that is trying to make a part of our township work and he believes that he should be given a chance. He further said that he wants to continue to give his support to the decisions of this business.

There were no other questions from Council or the public.

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

Business Administrator McManimon said that this is a grant from the State, "Drive Sober or get Pulled Over". The grant amount is based on the police officers assigned to duty and the hourly rate. We are getting last years' amount and could go up to \$5,000. Last year was \$3,973 based on the officers assigned and their hourly rate. Councilwoman Keyes-Maloney said that just for public edification, this allows us to do roadside stops and hand out pamphlets educating the public on the dangers of drinking and driving. There were no questions from Council or the public.

3. A RESOLUTION SUPPORTING A-536/S-2107 TO CLARIFY VOLUNTEER POSITION DO NOT IMPACT RETIREMENT BENEFITS FOR PUBLIC EMPLOYEES

Attorney Cannon said that currently under the law, if a firefighter, police officer or an EMT retires from the Township, they are currently prohibited from volunteering for a certain period of time because volunteering is classified as employment for the township. This will allow them to have that continuity of volunteering even after the volunteer leaves their paid services. They won't have to re-enroll or be re-trained and the township won't lose trained personnel. Councilwoman Keyes-Maloney said that just to clarify, the Senate version of the bill moved out of state government and the hope is that this may actually move through both houses by June 30th. Councilwoman Wollert asked how they are going to mesh that particular directive that the division of pensions has out there about severance of employment and bona fide severance, has to do with an IRS regulation, which is Federal. She said she is curious to see how they are going to mesh that together with what they are trying to attempt. She said she certainly is in favor. She said she doesn't know how State Law is going to supersede Federal. Councilwoman Keyes-Maloney said that this will hopefully address some of the pension issues which have been much more preclusive that the IRS in terms of pursuing issues associated with this. She further

said that in essence hopefully it will create some clarity for the pension board in terms of folks who are volunteering. There were no questions from the public.

4. A RESOLUTION AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT FOR TEMPORARY CONSTRUCTION

Attorney Cannon explained that Council should have a map. They are asking for a temporary license to basically stage some construction materials while they start construction. President Schroth stated for public clarification, that this is for the new Walgreens and is basically on the corner of Olden Avenue and Parkside Avenue. Attorney Cannon stated that the current strip mall is being torn down. They are actually going to be back much further in the lot, so that is making the DEP happy because there is actually underground conduit and is part of the whole flood problem. This request is basically to help them facilitate the construction. She told Council that they have a draft of the agreement on their Ipads. Councilman Baxter asked about the timeframe for the construction. Administrator McManimon said approximately six months if they stay on the projected schedule. President Schroth asked when it will be beginning. Administrator McManimon said they have one more tenant that needs to move out of the building and he hopes sometime this summer. All of the businesses are staying around, just going to different sections in the town. He also commented that the DEP is really happy on this one, there is less impervious coverage developed out there plus that is also part of the flood control. When we are done we will fix Bruce Lane, the road behind it.

There were no additional questions or comments from Council.

George Steward (30 Gilmore Road) asked if this is the property behind Shabakunk Creek Park, to which Council responded yes. He asked if we are going to have to re-beautify the park and if there will be remediation on the part of the township. Attorney Cannon said that on behalf of the agreement they have to restore the site to its original condition. To the extent that they disturb it, the town will take photographs and document how it looks presently.

All Discussion items were approved for action.

ALCOHOLIC BEVERAGE CONTROL MATTERS

1. A RESOLUTION AUTHORIZING THE APPROVAL FOR RENEWAL OF 2016-2017 EWING MUNICIPAL LIQUOR LICENSES

President Schroth said that this resolutions includes all of the liquor establishments in Ewing that have paid their \$200.00 State fee, their fee to the township and the Clerk has received their Tax Clearance Certificate. Without all of these documents, we could not act on the approval of these licenses. Attorney Cannon said that this is not the entire universe of liquor licenses in Ewing Township. They expire as of June 30th. This is the first batch for which there are Tax Clearance certificates. These are all unconditional and are being done as a block. Councilwoman Keyes-Maloney thanked the Clerk for compiling all the information for each of the licensees in addition to any activity that may have occurred at the site. There were no other questions from members of Council. There were no questions from the public.

2. A RESOLUTION AUTHORIZING THE APPROVAL FOR RENEWAL OF 2016-2017 EWING MUNICIPAL LIQUOR LICENSE FOR AMPHORA RESTAURANT, LLC t/a ERINI'S RESTAURANT WITH CONDITIONS

President Schroth commented that we are handling this matter separately because of the special conditions being imposed on this licensee. Attorney Cannon stated that some time ago, these conditions were imposed upon Erini's due to complaints received as to the restaurant. They were imposed with notice and an opportunity for the licensee to come in before Council. They continue to be in place year after year. The licensee has never come forward to ask for relief from them. President Schroth commented that in terms of the historical background, the complaints were generally about noise. Attorney Cannon said this it is the nature of the location, it is kind of surrounded by residential houses. Councilwoman Keyes-Maloney said that in regard to the report that the police department has given to them, they are not related generally to significant issues in the least and often focus on alarm calls. There were no questions from Council or the public.

President Schroth asked the Clerk to move both items to the regular meeting agenda for action.

BILLS LIST

1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$652,496.12 and to Pay Supplemental Bills per Resolution #16R-13 in the Amount of \$13,646.77

There were no questions or comments from Council or the Public.

The Bills List was approved for action.

CONSENT AGENDA

Council President Schroth presented the Consent Agenda for review.

1. Approval of Agenda Session Minutes for April 26, 2016; Approval of Regular Session Minutes for April 26, 2016
2. A Resolution Authorizing the Conduct of an On Premise Merchandise Raffle Sponsored by the Sunshine Foundation
3. A Resolution Authorizing the Conduct of an Off Premise 50/50 Cash Raffle Sponsored by St. Francis Medical Center
4. A Resolution Authorizing the Conduct of an Off Premise Merchandise Raffle Sponsored by St. Francis Medical Center

There were no questions or comments from Council or the Public. 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 OF THE TOWNSHIP OF EWING, COUNTY OF MERCER, NEW JERSEY APPROVING APPLICATION FOR FINANCIAL AGREEMENT

Attorney Cannon explained that this is a PILOT for 1573 Parkside Avenue, which is the site of the old Channel 52 site. She further stated that the developer came in and built student housing there and those units are ready to be issued CO's and ready for rental. They were entitled to come back and ask for a PILOT. They are a qualified entity. They have to be a non profit residential developer to be able to qualify for this type of PILOT. She further stated that Council had before them a draft PILOT agreement, which provides for a phase in of the taxes over a 30 year period. President Schroth said that at the last meeting we had the attorney for the redevelopment agency to answer questions and to explain the project itself. President Schroth asked if there were any questions.

There were no questions or comments from Council or the Public.

2. AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO REPLACE CHAPTER 195, FLOOD DAMAGE PREVENTION, WITH A NEW FLOOD DAMAGE PREVENTION ORDINANCE AS REQUIRED FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM

Attorney Cannon said that this is for second reading and the DEP has developed a model ordinance for the flood insurance program and accepts the maps as created by FEMA and DEP. It created flood zones and flood areas within the township and makes the residents eligible for flood insurance. If not adopted by July 20th, 2016, the citizens of the township would be ineligible for flood insurance. She further stated that you cannot appeal to this body as to the maps themselves, you have to go on to a higher authority, such as FEMA. President Schroth asked if there were any questions.

There were no questions or comments from Council or the Public.

3. AN ORDINANCE ADDING CHAPTER 251 TO THE REVISED GENERAL MUNICIPAL ORDINANCES OF THE TOWNSHIP OF EWING, COUNTY OF MERCER, TO PROHIBIT SMOKING ON PUBLIC PROPERTY

President Schroth said that this is part of our green team initiative and package of matters that we have handled over the last several sessions setting certain boundaries. Attorney Cannon said that this is an Ordinance which is really a recodification of an Ordinance that is currently in existence and an executive order passed by the Mayor, with respect to smoking while on township owned properties, including parks and buildings. She further said that this prohibits smoking within 100 feet of any public building and within 100 feet of any structure in any park, which includes bleachers, snack stand, dugouts, etc. She stated that this is part of the package submitted to Sustainable New Jersey for the green team for silver certification. The point value of this Ordinance is 10 points. President Schroth said that at the same time we are striking a balance for recognizing the right of people who do smoke, as smoking is legal and this is not a complete and absolute ban. President Schroth asked if there were any questions.

There were no questions or comments from Council or the Public.

COMMISSION & COMMITTEE REPORTS FROM MEMBERS OF COUNCIL

Councilman Baxter said that Recreation Advisory Board meets next Monday. He further stated that the basketball opener was last night and the Mayor sent out invitations to all of Council. He said they have 15 high school team, 16 middle school teams, 4 ladies teams and 12 elementary teams. The League is actually booming and the numbers have amassed and we have gotten to the point where the Commissioner had to turn away 6 high school teams because we weren't able to accommodate them. He said he has talked to the Mayor about possibly abating this problem for next year.

Councilwoman Keyes-Maloney said that she attended Post Prom activities at Ewing High School from 11:00 p.m. to 3:00 a.m. It was well attended. This is a traditional project of the Mercer/Ewing Municipal Drug Alliance. There were folks from the school district, as well as TCNJ folks and herself. She manned a vehicle that they could drive so the kids could test what it would be like to drunk drive. In addition, she went on to say that the Arts Commission met last week and they have 28 folks who have signed on to the art survey as we are always looking for artists who are in town and hopefully are interested in registering. They are developing a guide of locally based artists, whether they be musically inclined or arts inclined. Also she attended National Trail Day with the Environmental Commission. She particularly thanked Dan Burke for his work around helping the planning and Public Works for their hard work. It is a great place to bike or take the dog for a walk. Finally, she said, as part of the green team package, the campus town community started a farmers market on Sundays, so we are not attempting to drive down from the traditional Trenton Farmers Market in Lawrence. It is an open environment for all members of the community and Campus Town is also looking to do some additional programming with either school aged or adult performers from the local community. The produce stands will be there every Sunday from 10:00 a.m. to 2:00 p.m. from now until October.

Councilwoman Steward said that the Green Team submitted 480 pts of actions, 350 are needed for silver. She thanked the Mayor, Administration and Council and said that it was a major team effort and the Green Team is over the moon. She further said that last weekend the Green Team participated with the Girl Scout Troop and the West Trenton Garden Club on a garden tour. It was great and they visited a couple of yards and homes and she highly recommended it. She said that this week on Thursday night, there is a neighborhood association meeting for anyone wanting to form/support a neighborhood association at 7:00 p.m. at the ESCC.

Councilwoman Wollert said that the Senior clubs are winding down and they have had a very successful year. There are a number of clubs throughout the Ewing community and they really did enjoy many different events. They had their regular club activities, trips and lucheons with entertainment.

Administrator McManimon said that next Thursday the 23rd at 11:00 a.m. American Properties is having their grand opening on their Bear Tavern property. He said that he visited the models and they are quite nice. The event is being catered by a Ewing Township Restaurant. Secondly he said we heard from Standard and Poors about our bond rating review today and we certified our AA rating and now we can go to market for bonds. He

said that as the GM property gets developed and any other related properties and they see the cash flow coming in, it will help us even more.

Councilman Baxter reminded all that Ewing High's graduation is Wednesday, June 22, 2016 at the Sun Center Bank. He said that our Clerk's daughter is graduating this year. He also said that the Gentlemen's Ball was June 5th and it was well attended. He said they were one of the better classes, as in the middle of the dance the music cut off and they continued without it. Six of our Ewing High students participated in the ball this year.

President Schroth said that during our last Planning Board meeting, there were two businesses before us. There is going to be a Med Express coming to Olden Avenue, a property that is a bit beat up and this will be a dramatic physical improvement to the area. He further said that we also had the owners of the 7-Eleven at the West Trenton traffic light. They purchased the property to the right of Bear Tavern and they are going to expand their parking with 25 new parking spaces which will help with the traffic flow.

There were no additional Commission or Committee Reports from members of Council.

NEW BUSINESS

(None for this Meeting)

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC

Chief Ralf Brandmaier (25 Rockleigh Drive/West Trenton Fire Company Chief/Ewing Twp Public Works Employee) thanked the Council and Administration for their efforts on the resolution for retirement of the public employees for volunteers. He also thanked them for the purchase of the new ladder truck which should be in service in a couple of weeks. He said he will invite them all for an Open House. President Schroth thanked him for his comments.

George Steward (30 Gilmore Road) said that he wanted to mention that he has a horrible time on his smart phone with the website. The calendar is horrible. He said that he has to go to his laptop and go to the website for it to be functionable. He said one mention about the calendar, the township holidays should be noted. He said he continues to be frustrated. The Memorial Day program wasn't even on the calendar. He said he opposes the Council being the Alcohol Control Board on matters that deal with alcoholic beverages. He knows they are within their rights, but knows that the Township has several options that they can pursue or investigate, which would be a little bit more fair and independent. He further said that he had some financial questions and would reach out to the CFO. He said he saw the bonding in the paper today, something like 16 million, and asked if we are reconsolidating some outstanding bonds. Administrator McManimon replied yes and further explained. He had one more comment about the budget discussion and what the difference might have been if 1573 Parkside didn't have a PILOT Agreement and what the tax obligation would have been. Administration McManimon responded.

ADJOURNMENT

There being no further business, President Schroth called for a motion to adjourn. Ms. Keyes-Maloney so moved seconded by Ms. Steward. The meeting was adjourned at 7:42 p.m.

David P. Schroth, Council President

Kim Macellaro, Municipal Clerk