

**Minutes of February 24, 2015 - REGULAR SESSION**

President Keyes-Maloney called the meeting to order at 8:00 p.m. and Deputy Clerk Bate led the invocation and flag salute.

President Keyes-Maloney read the Open Public Meetings 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 2<sup>nd</sup> day of January, 2015

**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 |
| ▪ Mr. Schroth - Present             | Maeve Cannon, Attorney       |
| ▪ Ms. Steward - Present             | Susan Bate, Deputy Clerk     |
| ▪ Ms. Wollert - Present             |                              |
| ▪ President Keyes-Maloney - Present |                              |

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

There were no comments

**BILLS LIST**

The Deputy Clerk presented the Bills List for approval (**Resolution #15R-55**)

1. A Resolution Authorizing the Chief Financial Officer to Pay Bills in the Amount of \$10,109,353.32 and to Pay Supplemental Bills per Resolution #15R-27 in the Amount of \$5,676.09

There were no questions on the bills list from members of the public or council. President Keyes-Maloney asked for a motion. Councilman Schroth made a motion on the bills list, seconded by Councilwoman Wollert.

**ROLL CALL**

Ms. Wollert	YES
Mr. Schroth	YES
Mr. Baxter	YES
Ms. Steward	YES
President Keyes-Maloney	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 Deputy Clerk read the Consent Agenda: **(Resolution #15R-56/)**

1. **Approval of Agenda Session Minutes for March 10, 2014 and Regular Session Minutes for March 11, 2014**
2. **A Resolution Authorizing St. John's Baptist church to hold a Block Party/Road Closing on July 18<sup>th</sup>, 2015 for a Car Show**
3. **A Resolution Authorizing World Triathlon Corporation to hold a Bike Race/Triathlon/Road Closing on September 20, 2015**
4. **A Resolution Authorizing the Conduct of an Off-Premise 50-50 Cash Raffle Sponsored by Sunshine Foundation on April 11, 2015**
5. **A Resolution Authorizing the Conduct of an On-Premise 50-50 Cash Raffle Sponsored by PTA Incarnation School on March 21, 2015**
6. **A Resolution Authorizing the Conduct of a Bingo Sponsored by PTA Incarnation School on March 21, 2015**
7. **A Resolution Authorizing the Conduct of an On-Premise 50-50 Cash Raffle Sponsored by The Children's Home Society of New Jersey on May 8, 2015**
8. **A Resolution Authorizing the Conduct of an On-Premise Merchandise Raffle Sponsored by The Children's Home Society of New Jersey on May 8, 2015**
9. **A Resolution Authorizing the Conduct of a Bingo Sponsored by The Children's Home Society of New Jersey on May 8, 2015**
10. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector, in the Amount of \$1,609.52 for February 1, 2015 tax qtr., to Copeland, Patricia, 30 Oregon Ave., Ewing, NJ 08638, for property owner Copeland, Patricia, for Block: 148 Lot: 1 also known as 30 Oregon Ave., for overpayment of February 1, 2015 tax qtr.**
11. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector, in the Amount of \$ 2,131.60 for February 1, 2015 tax qtr., to A Absolute Escrow Settlement Company, P.O. Box 767, Millburn, NJ 07041, File No. NRT53126 for property owner Roberts, William R. & Lasandra, for Block: 229.08 Lot: 24 also known as 48 Bayberry Rd., for overpayment of February 1, 2015 tax qtr.**
12. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector, in the Amount of \$1,356.35 for February 1, 2015 tax qtr., to Medina, Laureano & Ivette, 93 Ridgewood Ave., Ewing, NJ 08618, for property owner Medina, Laureano & Ivette, for Block: 258 Lot: 93 also known as 93 Ridgewood Ave., for overpayment of February 1, 2015 tax qtr.**
13. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector, in the Amount of \$1,402.26 for February 1, 2015 tax qtr., to Green, Lisa E., 201 Crescent Ave., Ewing, NJ 08638, for property owner Green, Lisa E., for Block: 176 Lot: 468 also known as 201 Crescent Ave., for overpayment of February 1, 2015 tax qtr.**
14. **A Resolution Authorizing a Refund, as Recommended by the Tax Collector, in the Amount of \$930.03 for February 1, 2015 tax qtr., to Rogers, Sherman**

G. & Jennifer L., 325 Berwyn Ave., Ewing, NJ 08618, for property owner Rogers, Sherman G. & Jennifer L., for Block: 308 Lot: 12 also known as 325 Berwyn Ave., for overpayment of February 1, 2015 tax qtr.

15. A Resolution Authorizing a Refund, as Recommended by the Tax Collector, in the Amount of \$1,332.74 for February 1, 2015 tax qtr., to Property Title Group, LLC, 600 Parsippany Road, Suite 202, Parsippany, NJ 07054, File No. PT090989-L, for property owner Levine, Brian, for Block: 470 Lot: 206 also known as 994 Terrace Blvd., for overpayment of February 1, 2015 tax qtr.
16. A Resolution Authorizing a Refund, as Recommended by the Tax Collector, in the Amount of \$2,092.25 for February 1, 2015 tax qtr., to Bowman, Anthony Terrence & G.H., 2244 Pennington Rd, Ewing, NJ 08638, for property owner Bowman, Anthony Terrence & G.H., for Block: 223.10 Lot: 138 also known as 2244 Pennington Rd, for overpayment of February 1, 2015 tax qtr.

President Keyes-Maloney stated that as in the past, if there is a question on the consent agenda, that item will be removed and placed on the new business portion of the agenda for action. There were no questions from the public or council.

President Keyes-Maloney asked for a motion. Councilman Baxter made a motion on the consent agenda, seconded by Councilwoman Wollert.

**ROLL CALL**

Ms. Wollert	YES
Mr. Baxter	YES
Mr. Schroth	YES
Ms. Steward	YES
With the exception of item #14 for which she abstains, as it is a member of her family	
President Keyes-Maloney	YES

**ORDINANCE(S) FOR FIRST READING AND INTRODUCTION**

1. The Deputy Clerk read (Ordinance #15-03) AN ORDINANCE AMENDING THE EWING TOWNSHIP SALARY ORDINANCE ESTABLISHING COMPENSATION OF OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF EWING

President Keyes-Maloney asked the Township Attorney to give an outline of the perimeters of this particular salary Ordinance. Attorney Cannon stated that this Ordinance as with all salaries are not set by Collective Bargaining Agreement and sets the salaries for President of Council, member of Council, Mayor/Director of Public Safety and also include a new category, Council Vice President. She went over the salaries.

President Keyes-Maloney asked for a motion to introduce the Ordinance. Councilman Baxter made a motion on the Ordinance, seconded by Councilman Schroth.

**ROLL CALL**

Mr. Schroth	YES
Mr. Baxter	YES
Ms. Steward	NO
Ms. Wollert	YES
President Keyes-Maloney	YES

2. The Deputy Clerk read (Ordinance #15-04) A BOND ORDINANCE AMENDING SECTION 3(A) AND 6(B) OF BOND ORDINANCE NUMBERED 14-06 OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY FINALLY ADOPTED MAY 27, 2014 PROVIDING FOR THE ACQUISITION OF CERTAIN VEHICLES AND EQUIPMENT IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT, THE USEFUL LIFE OF THE PROJECT AND THE AVERAGE USEFUL LIFE

President Keyes-Maloney stated that we would not be acquiring a rover trailer and instead would be acquiring a number of F350 trucks and snow plow and salter attached to them. President Keyes-Maloney asked if there were any questions from the Council or the public.

Seeing none, President Keyes-Maloney asked for a motion. Councilwoman Wollert made a motion on the Ordinance, seconded by Councilwoman Steward

**ROLL CALL**

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

3. The Deputy Clerk read (Ordinance #15-05) A BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$170,000 FOR THE ACQUISITION OF FIRE TRUCKS AND OTHER EQUIPMENT IN AND BY THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$161,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

President Keyes-Maloney said that this is required due to a slight increase in the cost of the equipment. She stated that the benefits we have derived from using a state consortium (NJPA) has saved us a decent amount of income, but nonetheless, the bond has to be increased to address the shortfall. President Keyes-Maloney asked if there were any questions from the Council or the public.

Seeing none, President Keyes-Maloney asked for a motion. Councilman Baxter made a motion on the Ordinance, seconded by Councilman Schroth.

**ROLL CALL**

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

**ORDINANCE(S) FOR SECOND READING, PUBLIC HEARING AND FINAL ADOPTION**

1. The Deputy Clerk read (Ordinance #15-01) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 91 ALCOHOLIC BEVERAGES (2015)

**WHEREAS**, pursuant to N.J.S.A. 33:1-1 et seq., the Township is authorized to regulate the sale and transportation of alcoholic beverages; and

**WHEREAS**, the Township is desirous of creating a good-cause exception to the current mandates of § 91-7 of the General Ordinance of the Township of Ewing.

**BE IT ORDAINED** by the Council of the Township of Ewing, County of Mercer that the Code of the Township of Ewing be amended as follows:

Section 1 Chapter 91, ALCOHOLIC BEVERAGES, Section 7, DISTANCE BETWEEN PREMISES, is hereby amended to read as follows:

**§ 91-7 Distance between premises.**

A. No plenary retail consumption license or plenary retail distribution license shall be issued for or transferred to premises within 1,000 feet of any other premises licensed under a plenary retail consumption or plenary retail distribution license. This section shall not prevent renewal for premises now licensed or person-to-person transfers of such licenses. This section shall not prevent the transfer of any existing license on a premises or structure which has been taken for public use or destroyed to a new location within 1,000 feet of such premises or structures. The Board, in its discretion, may grant an exception to this section upon a finding of good cause based upon the following factors, each of which shall be addressed by the applicant in an application for a waiver of this section to the Board:

- (1) The proposed location's proximity to residential areas.
- (2) The number of other of retail consumption or plenary retail distribution licenses within 1,000 feet of the proposed location.
- (3) Apart from this section, whether the proposed location could otherwise be legally issued a retail consumption or plenary retail distribution license.
- (4) If the proposed location is for a retail consumption license, whether it will operate primarily as a restaurant or a tavern. "Restaurant" for purposes of this section shall mean an establishment regularly and principally used for providing meals to the public, having an adequate kitchen and dining room equipped for the preparing, cooking and serving of food for its customers.
- (5) If the proposed location is for a retail consumption license which will operate primarily as a tavern or bar, the number of other such licensees within 1,000 feet of the proposed location.
- (6) The proposed location's proximity to schools, playgrounds or parks.
- (7) The existence of other good cause.

B. For the purpose of this section, distance shall be measured in a normal way that a pedestrian would properly walk from the nearest entrance of existing premises to the nearest entrance of the premises sought to be licensed.

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.

**President Keyes-Maloney asked for a motion to open the public hearing, Councilwoman Wollert moved to open the public hearing, seconded by Councilwoman Steward. It was agreed by a unanimous voice vote. President Keyes-Maloney asked if there were any questions from the Council or the public. Seeing none, she asked for a motion to close the public hearing. Councilman Schroth made a motion to close the public hearing, seconded by Councilwoman Wollert. It was agreed by a unanimous voice vote.**

**President Keyes-Maloney asked for a motion to adopt the Ordinance. Councilwoman Steward made a motion to adopt the Ordinance, seconded by Councilwoman Wollert.**

**ROLL CALL**

<b>Ms. Wollert</b>	<b>YES</b>
<b>Ms. Steward</b>	<b>YES</b>
<b>Mr. Baxter</b>	<b>NO</b>
<b>Mr. Schroth</b>	<b>YES</b>
<b>President Keyes-Maloney</b>	<b>YES</b>

- 2. The Deputy Clerk read (Ordinance #15-02) The AN ORDINANCE AMENDING THE EWING TOWNSHIP SALARY ORDINANCE ESTABLISHING COMPENSATION OF OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF EWING**

BE IT ORDAINED by the Township Council of the Township of Ewing that the Salary Ordinance establishing compensation of Officers and Employees of the Township of Ewing is hereby amended as follows:

Section 1. The following Salary is hereby established for the compensation of Deputy Municipal Clerk:

<u>TITLE</u>	<u>Prior Salary</u>	<u>New Salary</u>
DEPUTY MUNICIPAL CLERK	\$30,000	\$42,000

Section 2. In addition to the Salaries payable, all employees not covered by a collective bargaining agreement, except for elected officials, shall be subject to the terms and conditions of the collective bargaining agreement Local 102 of the International Brotherhood of Electrical Workers A.F.L. – C.I.O., including all future salary increases in accordance with the schedule set forth in such agreement. All other employees of the Township, who are members of a collective bargaining agreement, shall be paid in accordance with and are subject to the terms and conditions of their applicable collective bargaining agreement.

Section 3. This Ordinance shall be retroactive to January 5, 2015, and shall take effect upon final passage and publication according to law.

STATEMENT

This Ordinance amends the Salary Ordinance of the Township of Ewing for the position of the Deputy Municipal Clerk.

**President Keyes-Maloney asked for a motion to open the public hearing, Councilman Baxter moved to open the public hearing, seconded by Councilwoman Steward. It was agreed by a unanimous voice vote. President Keyes-Maloney asked if there were any questions from the Council or the public. Seeing none, she asked for a motion to close the public hearing. Councilwoman Wollert made a motion to close the public hearing, seconded by Councilman Schroth. It was agreed by a unanimous voice vote.**

**President Keyes-Maloney asked for a motion to adopt the Ordinance. Councilwoman Wollert made a motion on the Ordinance, seconded by Councilwoman Steward.**

**ROLL CALL**

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

**NEW BUSINESS**

1. The Deputy Clerk read **(Resolution #15R-57)** A RESOLUTION APPOINTING BROWN AND BROWN METRO FOR PROFESSIONAL RISK MANAGEMENT CONSULTING SERVICES PURSUANT TO THE REQUIREMENTS OF THE GARDEN STATE MUNICIPAL JOINT INSURANCE FUND

There were no questions from Council or the public. President Keyes-Maloney asked for a motion on the Resolution. Councilman Baxter then moved the Resolution, seconded by Councilman Schroth.

**ROLL CALL**

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

2. The Deputy Clerk read **(Resolution #15R-58)** A RESOLUTION AMENDING (RESOLUTION #15R-1/5) THE PROCEDURES FOR THE CONDUCT OF COUNCIL

There were no questions from Council or the public. President Keyes-Maloney asked for a motion on the Resolution. Councilwoman Wollert then moved the Resolution, seconded by Councilwoman Steward.

**ROLL CALL**

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

3. The Deputy Clerk read **(Resolution #15R-59)** A RESOLUTION ADOPTING THE REVISED EMPLOYEE RULES AND REGULATIONS FOR THE EWING POLICE DEPARTMENT

There were no questions from Council or the public. President Keyes-Maloney asked for a motion on the Resolution. Councilman Baxter then moved the Resolution, seconded by Councilwoman Wollert.

**ROLL CALL**

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

**CLOSED SESSION** – No Closed Session

President Keyes-Maloney asked for point of personal privilege and stated that we will begin the Council Reports at our first meeting in March. In addition, expect information from the School District associated with their demographic report that

they did over the last quarter that is the basis for their growth. They plan on keeping up with that in the foreseeable future and we will be doing a joint public event around April.

**ADJOURNMENT**

There being no further business President Keyes-Maloney called for a motion to adjourn. Councilwoman Steward so moved seconded by Councilwoman Wollert. The meeting was adjourned at 8:13 p.m.

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Jennifer Keyes-Maloney, President

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Susan Bate, Deputy Clerk